

## **MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 01-18-01**

**Attendance:** Thomas Utterback, CH    Richard Horton, VC    Enrique Salvador    Rolando Diaz  
Arnold Velazquez    John Kurzman    Robert Barnes    Steven L. Johns  
Carmen Garcia    Jesus M. Gomez    Moshe Weitz    William Riley  
Edward Woodward    Justin Manuel    Capt. William Strachan

**Excused:** Gregory Pierce

**Staff Present:** Francisco J. Quintana, Secretary    Hugo Benitez, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick

**Commenced at 1:30 p.m.**

### **Minutes of December 14<sup>th</sup>, 2000**

Mr. Utterback requested a motion to approve the minutes for the December 14<sup>th</sup>, 2000 meeting. Mr. Horton requested clarification on the minutes regarding Chapter 8 presented by Mr. Quintana.

Mr. Quintana provided further clarification on the proposed revision to Chapter 8 and informed them that they will continue their current duties, in addition to some expanded functions. However, the appeals process will differ from current procedure in that appeals to decisions made by the Board will no longer go to Civil Court, they will first appeal to the Florida Building Commission and then to Civil Court.

Mr. Kurzman made a motion to accept the minutes as clarified.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback requested a motion of the Board to accept the Consent Agenda.

### **CONSENT AGENDA**

**APPEAL #1: TCO EXTENSION, PERMIT No. B99-03151, Brown**

**APPEAL #2: TCC EXTENSION, PERMIT No. B9901174/BCC0000050, Laurie**

**APPEAL #3: TCC EXTENSION, PERMIT No. B0000714, Fine**

**APPEAL #4: TCO EXTENSION, PERMIT No. 2000-073627, Snow**

**APPEAL #5: TCO EXTENSION, PERMIT No. 1997066519, Maresma**

**APPEAL #6: TCO EXTENSION, PERMIT No. 93278779, Garcia**

**APPEAL #7: TCO EXTENSION, PERMIT No. 00-5011906/98-5009940, Fine**

Mr. Horton moved to accept the Consent Agenda and Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Kurzman recused himself from hearing the appeal regarding the Presidential Estates due to conflict.

### **APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade County, Presidential Estates, Notice of Violation, 48" Pool Fence**

Mr. Micheal Kurzman informed the Board that they were issued permits and fencing was installed at the Presidential Estates. Mr. Kurzman explained that this fence was designed to keep children from climbing it and at a cost of \$28 an inch it will be very costly to re-install all of them. He requested a thirty (30) day deferral to meet with experts and consider what is feasible.

Mr. Weitz made a motion to grant the thirty (30) day deferral. Motion was seconded by Mr. Salvador.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Discussion on reconsidering the motion:**

Mr. Flavio Gomez with the Building Department stated that there are violations on these properties and the Board is missing the point about the life safety issue that needed to be addressed. Mr. Gomez informed the Board that the Building Department is not in agreement with an extension, but since one has been granted he suggested that orange mesh be used as a temporary barrier.

Mr. Utterback stated that orange mesh would not keep children out better than the fence being used now.

Mr. Michael Kurzman reiterated that he would like to pursue this fence as an alternate method of construction, meet with engineers or increase the height up 6 inches.

Mr. Horton stated that there is already an equal alternate in the Code.

Mr. Jorge Gamoneda stated that when this case was opened some of the permits were already finalized.

Mr. Hugo Benitez, Asst. County Attorney informed the members that the Florida Legislature passed a law stating that an outside perimeter can not be used as a barrier for a pool. He also added that State Law and County Code vary in dealing with open permits and it needs to be determined which law applies.

Mr. Utterback stated that the administrative issue needed to be addressed by Building Department.

Mr. Hugo Benitez, Asst. County Attorney, stated that the interpretive issue is not laid out and suggested that the appellant come back with an analysis.

Mr. Utterback once again called the question to reconsider the motion passed previously.

**Motion carried 7 to 6.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, 1100 N.W. 54 Street, Shoppes of Liberty City, Wayne Dalton Series 800 Door**

Mr. Kevin Taylor stated that the issue is a Wayne Dalton Series 800 that was installed at the Shoppes of Liberty City. Mr. Taylor explained to the members that the owner decided on a rolling door instead of a hurricane shutter door, permits were issued and the doors were installed, but upon receiving a final inspection problems arose. He stated that the deflection was an issue and he was prepared to show that the doors meet the intent and can stand the loads of the Code.

Mr. Albert Nelson informed the Board that one shutter was longer, therefore analysis was done and it does meet the Code. Also, deflection was done by rational analysis.

Mr. Raul Rodriguez, Chief, Product Control Division, stated that there is a maximum of 2" for deflection. Mr. Rodriguez stated that this product does not have a Notice of Acceptance (NOA) which is required by the South Florida Building Code. He suggested that the appellants apply for the NOA and see if it meets the Code. Furthermore, he added that the manufacturer informed them that these doors do not meet the Code.

After some discussion, Mr. Horton made a motion to grant the appeal and a 30-day deferral to meet with the Building Code Compliance Office to obtain a one-time approval for the proposed application. Motion seconded by Mr. Salvador.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Discussion:**

Mr. Joe Ferras, Building Official for the City of Miami stated that the Building Code Compliance Office brought forth this issue. He stated that this door is not a shutter and two doors exceed product approval requirements.

Mr. Barnes stated that information is not getting to the community.

Mr. Raul Rodriguez stated that most doors that are wider than 22ft do not meet the Code.

**APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, Three Tequesta Point, 858 Brickell Key Drive, Section 516.2 and Section 2305.7, Safety Glazing**

Mr. Mark Kass stated that he has been a glazing consultant for 16 years and he is there appealing the December 1<sup>st</sup> ruling of the City of Miami. Mr. Kass informed the members that the glass affected is in three units and 5% of the glass on the building is affected by the Code. He commented that Section 516 of the South Florida Building Code has not been revised and it is their opinion that the glass installed is not a risk to the public and as installed it complies to the SFBC.

Mr. Farrokh Rasekhi stated that he did the calculations and shop drawings for this project. He proceeded to read Section 2305.7 and Section E of 5 16.2 "Exception" citing "safety glazing will be permitted as an equal alternate to pickets, if tested by an accredited laboratory to satisfy the resistance requirements of the Code for wind, live and kinetic energy impact loading conditions" and it does not specify 400 pounds. Mr. Rasekhi informed the Board to know that these are bedrooms and this is not a commercial building, but an apartment building.

Mr. Weitz stated that Section 2302.1 of the SFBC does define the stability of a wall and a wall supporting structural members must withstand the design wind forces and it can not come off the frame, since the glazing is part of the envelope of the building.

Mr. William Smith stated that the glass is certified and tested to the 400 pounds as required by the standard and furthermore the Curtain Wall Subcommittee cited that the Code is clear regarding this issue. Mr. Smith added that the assembly has been tested and the pass fail criteria has been addressed.

Mr. Roberto Hevia stated that the safety barrier is required when in distances of levels of four feet and the safety barrier can not break.

After some discussion, Mr. Horton made a motion to grant the appeal based on ANSI 297.1-1984, the definition of safety glazing contained in this Standard, and the required test performed as required in the South Florida Building Code. Motion seconded by Mr. Kurzman.

**Motion carried. (Mr. Weitz, Mr. Manuel, Mr. Gomez and Chief Fernandez were opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Green Diamond Condominium, 4775 Collins Avenue, Section 3905.5 (d)**

Mr. Robert Fine withdrew the appeal and informed the members that they were able to work out some of their issues with the Building Official of the City of Miami Beach.

**APPEAL #5: APPEAL OF BUILDING OFFICIAL'S DECISION: Town of Surfside, Solimar Condominiums Project, 9595 Collins Avenue, Extension of TCC**

Mr. Sanford Reinhart stated that this project consists of two independent towers, where the South Tower is slightly ahead of the North Tower. He explained that the North Tower will be barricaded and they will meet the life safety issues as addressed by the Building Official and the Fire Department.

Mr. Weitz made a motion to grant the appeal of a temporary CO for the South Tower and the project must comply with the stipulations of the South Florida Building Code. Motion seconded by Mr. Johns. An amendment to the motion to add that the requirements are to comply to the satisfaction of the Building Official was accepted.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #6: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 2940 Collins Avenue, Extension of Permit**

Ms. Gioia DeCarlo stated that after some of the inspections were performed and while the permits were still open, the owner defaulted on the loan and lender, now the current owner has foreclosed on the property. She explained that there is now a contract to purchase the property that is contingent on the permits being extended so that the new owner may complete the project properly and efficiently.

Mr. Weitz asked when did the foreclosure take place and end since the Code gives exemption to legal action.

Mr. Hugo Benitez, Asst. County Attorney informed the members that the Code reads that you have to continue to work under a permit, but if work is stopped for more than 180 days the permit becomes dormant.

Mr. Richard McConahie with the City of Miami Beach, stated that there are 10 or 11 permits that remain open since 1995.

Mr. Kurzman stated that when a property goes into foreclosure that is legal action, therefore he granted the appeal based on legal action on the property. The motion was seconded by Mr. Barnes.

**Motion carried. (Mr. Diaz, Mr. Riley and Mr. Johns were opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

#### **Discussion on the motion:**

Mrs. Rhonda Montoya, Senior Assistant Attorney for the City of Miami Beach stated that the legal action stance is being applied to broadly and the boundaries need to be laid out. She informed the members that another case may be coming forth with the same circumstances.

Mr. Hugo Benitez stated that it is on the City of Miami Beach to find out the facts about this case as to what happened within the last five years.

#### **Historical Exception Appeal #1: City of Miami Beach, The Madison Project, 304 and 312 Ocean Drive**

Mrs. Lilian Ser stated that they are requesting a variance from Section 1804.1(d)(2) of the Code pursuant to the authority of Section 104.10. They plan to refurbish the building to make a hotel and that there will be very little changes made to the project. She explained to the members that the project as planned would be in violation of the South Florida Building Code, they received a Certificate of Appropriateness in September of 2000 and the plans were redone. Mrs. Ser added that Chief White does not object to the approval of this waiver for the five-foot distance separation.

Mrs. Rhonda Montoya informed the members that to-date they have not received plans nor specs.

After much discussion, Mr. Horton made a motion to grant the appeal due to the historical significance and attributes of the building and provided they meet the requirements of the City of Miami and the Fire Department. Motion seconded by Mr. Johns.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

#### **REPORTS**

##### **Certification of Inspectors/Plans Examiners for January**

Mr. Enrique Salvador reported on the recommendations of the Certification Subcommittee and presented the following individuals for New Certification.

The following individuals are being recommended for **approval** for **New Certification** for 2001.

| <b><u>INSPECTOR:</u></b> | <b><u>REPRESENTING:</u></b> | <b><u>DISCIPLINES:</u></b>   |
|--------------------------|-----------------------------|--|
| Cobo, Jose               | Miami Beach                 | Plans Examiner (Mechanical)<br>Plans Examiner Mech. (Res.)<br>Mechanical Inspector       |
| De Vivero, Jose R.       | Miami-Dade County           | Plans Examiner (Building)<br>Building Insp. (Structural)                                 |
| Diaz, Amado              | Miami-Dade County           | Plans Examiner Elect. (Res.)   |
| Diaz, Gregorio           | Medley                      | Chief Plumbing Inspector   |
| Juara, Jose M.           | Miami-Dade County           | Plans Examiner (Structural)  |
| Marvez, Carlos E.        | Miami-Dade County           | Building Insp. (Structural)  |
| Olive, John P.           | Miami-Dade County           | Roofing Insp. (Commercial)<br>Roofing Insp. (Residential)                                |
| Varona, Antonio L.       | Pinecrest                   | Roofing Insp. (Commercial)<br>Roofing Insp. (Residential)<br>Building Insp. (Structural) |
| Wagner, James R.         | Miami-Dade County           | Roofing Insp. (Commercial)<br>Roofing Insp. (Residential)                                |
| Wallace, Robert A.       | Miami Beach                 | Plans Examiner (Mechanical)<br>Plans Examiner Mech. (Res.)<br>Mechanical Inspector       |
| Yocum, David B.          | Miami-Dade County           | Electrical Inspector   |

Mr. Kurzman made a motion to accept the subcommittees recommendation. The motion was seconded by Mr. Johns.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Emergency Appeal #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 6000 Indian Creek Drive, Extension of Building Permit**

Mr. Cliff Schulman stated there is one permit in question and their appeal was based on what constitutes legal action. He informed the members that they went to the City of Miami Beach prior to the expiration of the permit with the details as to the legal activity taking place on this property and at that time the City of Miami Beach agreed that they had sufficient legal action in order for the building permit to be stayed, but six months later after another legal action was filed the Building Official sent them a later citing a miscommunication. Mr. Schulman produced a timeline of events of legal activity and requested of the members to have the permit continue its viability until litigation is resolved.

Mrs. Rhonda Montoya, Senior Assistant County for the City of Miami Beach stated that when she wrote the initial letter based on the Building Official's decision in July of 2000 agreeing that there was active litigation to stay the permit and at that time they were only submitted a Complaint of Declaratory Judgement, at that time she requested additional information. Mrs. Montoya added that the Building Official does not have an objection, he is just concerned with how long this litigation will take.

After much discussion, Mr. Weitz made a motion to grant the appeal and determined that the building permit had not expired due to legal action involving the referenced project. The motion was seconded by Mr. Kurzman.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton stated that he would like staff to provide a copy of the Florida statute regarding legal action for reference for the Board on future cases.

Prior to calling the next appeal Mr. Diaz excused himself due to conflict.

**Emergency Appeal #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Sunny Isles Beach, Intercoastal Yacht Club, Exemption Request**

Mr. Fred Aragon stated that he is the Project Manager for Jorda Mechanical and is working on the Intercoastal Yacht Club with the HVAC and the issue at hand is material combustibility requirements and informed the Board that the condensate drain in the A/C closets was something that was looked into before the project began. He then referred to a previous ruling on February 17 regarding Group "H" Occupancy where it was cited that any residential units in Group "H" Occupancy were considered Group "I" and therefore is subject to the material combustibility requirements. Based on this ruling, they proceeded to install about 600 condensate drains in buildings 2 and 3. Mr. Aragon then requested that the Board exempt them from the 25/50, fire and smoke.

Mr. George Desharnais, the Building Official for the City of Sunny Isles, stated that the code is very clear that you can not incorporate combustibles within this area and he has researched the National Fire Code, Section 90 (a)(2) 3-10-4, that reinforces his position. He also wrote a letter to Mr. Pete Quintela for an opinion and feels that this problem has come up several times in his jurisdiction and the engineers and architects have not had a problem with fire-rating these things.

Mr. Pete Quintela, Mechanical Code Compliance Specialist explained to the members that the Code never changed in wording and it says no combustible materials and if it is be interpreted otherwise the Code needs to be re-written.

After some discussion, Mr. Weitz made a motion to grant the appeal only for Buildings 1 and 2. Motion seconded by Mr. Kurzman.

**Motion carried 6 to 4.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Prior to closing the meeting, Mr. Utterback requested a motion to elect a Chairman and Vice-chairman of the Board.

Mr. Riley then made a motion to re-elect Mr. Utterback as Chairman to the Board. Motion seconded by Mr. Barnes.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Riley nominated Mr. Horton to remain as Vice-Chairman to the Board. Motion seconded by Mr. Kurzman.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Meeting adjourned at 4:57 p.m.**

## **MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 02-15-01**

**Attendance:** Thomas Utterback, CH    Richard Horton, VC    Enrique Salvador    Rolando Diaz  
Arnold Velazquez    John Kurzman    Robert Barnes    Carmen Garcia  
Jesus M. Gomez    Moshe Weitz    William Riley    Justin Manuel  
Capt. William Strachan    Chief Virgil Fernandez    Gregory Pierce

**Excused:** Edward Woodward    Steven L. Johns

**Staff Present:** Francisco J. Quintana, Secretary    Hugo Benitez, Asst. County Attorney    Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick

**Commenced at 1:20 p.m.**

### **Minutes of January 18<sup>th</sup>, 2001**

Mr. Utterback requested a motion to approve the minutes for the January 18<sup>th</sup>, 2001 meeting. Mr. Horton made a motion to approve the minutes of the prior meeting. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback requested a motion of the Board to accept the Consent Agenda.

### **CONSENT AGENDA**

**APPEAL #1: TCO EXTENSION, PERMIT No. B9901933, Groden**

**APPEAL #2: TCC EXTENSION, PERMIT No. B0001867, Guilfoyle**

**APPEAL #3: TCO EXTENSION, PERMIT No. BL98-915, Collins**

**APPEAL #4: TCO EXTENSION, PERMIT No. BL98-915, Collins**

**APPEAL #5: TCO EXTENSION, PERMIT No. B9904387, Fine**

**APPEAL #6: TCO EXTENSION, PERMIT No. 9903228, Yehezkel**

**APPEAL #7: TCC EXTENSION, PERMIT No. B9703176, Palmer**

**APPEAL #8: TCO EXTENSION, PERMIT No. B9801559, Hopwood**

**APPEAL #9: TCO EXTENSION, PERMIT No. B9904688, Rosner**

**APPEAL #10: TCC EXTENSION, PERMIT No. B000117, Ira**

**APPEAL #11: TCC EXTENSION, PERMIT No. B0001114, Ira**

Mr. Kurzman moved to accept the Consent Agenda and Mr. Horton seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Art Construction Company, 1545 Jefferson Above, Extension of Permit**

Mr. Horton made a motion to approve the appeal since staff at the Building Code Compliance Office does not have an objection.

Mr. Azan, Building Official for the City of Miami Beach stated that he met with the contractor and found out there is ongoing litigation with this structure. The contractor was to provide him with a copy of the breach of contract.

Mr. Kurzman then amended the motion to add that all-necessary documents be submitted to City of Miami Beach. Motion was seconded by Mr. Horton.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami Dade County, Quick Fuel Services, 6000 N.W. 72 Avenue, Section 4613.19(j), Bathroom Requirement**

Mr. Steven Van Noven stated that this is strictly a canopy with no parking and no employees on site. He added that there is no definition for fueling stations in the South Florida Building Code.

Mr. Gary Perkins with the Building Department stated that he has outlined the requirements for fueling stations and the code does not specify commercial or residential use. He informed the members that there is a truck facility and other buildings within 40 to 50 feet of this canopy and furthermore the interpretation is that bathroom facilities should be utilized for public not private.

After some discussion, Mr. Kurzman made a motion to deny the appeal due to the fact that the bathroom facility must comply with the requirements of the South Florida Building Code. Motion seconded by Mr. Fernandez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Diaz excused himself from hearing Appeal Nos. 3 and 8.

**APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of North Miami Beach, Eastern Shores Condo, 16590 N.E. 26 Avenue, Open Air Garages**

Mr. Saul Wasenberg stated that they received a letter from the City of North Miami Beach regarding the use of PVC in an open garage. He informed the members that he did some research and found that Broward County accepts this type in their code and furthermore in 1999 the City of North Miami Beach approved the plans with this item. Mr. Wasenberg added that there is no PVC in the garage.

Mr. Dale Lee, Building Official for the City of North Miami Beach, informed the Board that the PVC installed in the parking garage of this structure is in violation of Section 1102.2(c) (1) and Section 1812.6 of the South Florida Building Code. He explained to the members that he informed the appellant that the combustible material installed must be removed or replaced with non-combustible material. Mr. Lee concurred with Mr. Wasenberg that Broward County does have an exception for open parking garages, when fully sprinkled to allow exposed pipes and conduits of PVC and CPVC, but Miami-Dade County has not adopted this exception.

Mr. Pete Quintela, Building Code Compliance Mechanical Specialist, stated that he concurs with the Building Official in his stance that to use PVC piping for this structure the building must be fully sprinkled.

Chief Virgil Fernandez stated that NFPA 13 gives specifics in when to use plastic and parking garages is not an exception and the pipe to be utilized is only allowed in residential occupancies.

Mr. Dale Lee stated that the issue is that PVC gives off toxic fumes and it should be removed or protected. He further informed the members that there is a UL wrap that can be used.

After much discussion, Mr. Velazquez made a motion to grant the appeal and the appellant is to use quick response sprinkler heads as an equal alternate. Motion seconded by Capt. Strachan.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of South Miami, 6765 S.W. 62 Avenue, Extension of permit**

Mr. Walter Dziedzic informed the Board that he is seeking an extension of the permit to complete remaining inspections.

Mr. Gomez made a motion to grant the extension based on the City of South Miami's recommendation. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #5: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, 250 Arvida Parkway, Roof Tile Installation/Slope requirements**

Mr. Carlos Collaza stated that the house has already been roofed and only a small percentage has to be repaired. He informed the members that the roofing company and the owners would like to preserve the value of the installation done prior.



Mr. Pierce stated that this could be looked as decorative in nature.

Mr. Michael Goolsby, Roofing Specialist for the Building Code Compliance stated that Section 3402.2 of the South Florida Building Code requires that the roof assemblies be installed in compliance with the minimum slope requirements specified in the Notice of Acceptance and Table 34-01. He further added that roof tiles are considered decorative only when installed at the minimum slope with the waterproofing of this system being provided by the tile underlayment.

After some discussion, Mr. Pierce made a motion to approve the appeal and allow the owner to use the tile over the section of the roof with low slope as a decorative element, providing there is no penetration of the underlayment roofing material. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #6: APPEAL OF BUILDING OFFICIAL'S DECISION: City of South Miami, 6701 S.W. 62 Avenue, Extension of Permit**

Mr. Velazquez excused himself from hearing the appeal due to conflict of interest.

Mr. William Ruffin stated that he is requesting an extension of the permit for the installation of a new roof where the final inspection has not been requested and the permit has since expired.

Mr. Pierce made a motion to grant an extension of the permit. The motion was seconded by Mr. Salvador.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #7: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Ritz Plaza, 1701 Collins Avenue, Extension of Permit**

Mrs. Patricia Baloyla stated that due to delays in receiving the building permit an extension is needed to complete renovations at the Ritz Plaza.

Mr. Philip Azan, Building Official for the City of Miami Beach, stated that he had no objections to the extension of the permit.

Mr. Salvador made a motion to grant an extension of the permit. The motion was seconded by Mr. Pierce.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #8: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, Biltmore Village Condominiums, 711 Biltmore Way, Construction Type/Roof Systems**

Mr. Aramis Alvarez stated that the building in question is fully sprinkled and about to be completed and ready for a CO. He explained to the members that he has tried to resolve this situation and would like relief based on the fact that the building is Type I and there is only one entry point from the roof. Mr. Alvarez further added that there is no risk to life and it meets the intent of the Code for life safety.

Mr. Manny Lopez, Building Official for the City of Coral Gables, stated that there should be a slab and the building is not supposed to have any combustibles and in this case the trusses become the roof. He added that the Code requires non-combustible material and every system requires the pouring of concrete, therefore he is looking for a 2-hr UL rating.

Capt. Strachan commented that the Code is looking at the fire rating.

After some discussion, Mr. Velazquez made a motion to grant the appeal. The components have to be UL rated and approved by the Building Official. The motion was seconded by Mr. Kurzman.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Historical Exception Appeal #1: City of Miami Beach, South Shore Community Center, 833 6<sup>th</sup> Street, Section 104.10**

Mr. Rick Gonzalez stated that this building is located within the Flamingo Park Historic District of Miami Beach and was designed by architect Morris Lapidus. Mr. Gonzalez commented that given the historic status of this building, they are requesting that the structure

remain in its existing condition and not be required to comply with today's wind loads. He further added that the City of Miami Beach Historic Preservation Board has designated this site historic.

Mr. Philip Azan, Building Official for the City of Miami Beach, stated this building has been designated as a historic structure and the Board has the authority provided under Section 104.10 to grant such exemptions.

Mr. Kurzman asked of the Asst. County Attorney whether the municipality had the authority to grant under the 50% rule.

Asst. County Attorney, Hugo Benitez responded that they do not have the authority to bypass the 50% rule.

Mr. Partovi with the City of Miami Beach stated that the structure is sound with no cracks, but they have to address Section 104.3 (50%) rule of the South Florida Building Code. Furthermore, they have to abide with the wind load requirements.

After some discussion, Mr. Salvador made a motion to grant the appeal. The appellant is to meet all the structural requirements of the Building Official. Motion seconded by Mr. Johns.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **REPORTS**

### **Certification of Inspectors/Plans Examiners for February**

Mr. Enrique Salvador reported on the recommendations of the Certification Subcommittee and presented the following individuals for New Certification.

The following individuals are being recommended for **approval** for **New Certification** for 2001.

#### **INSPECTOR:**

#### **REPRESENTING:**

#### **DISCIPLINES:**

Alvarez, Elio

North Bay Village

Plans Examiner (Electrical)

Bassing, Thomas J.

North Bay Village

Electrical Inspector

Cepeda, Enrique M.

North Bay Village

Chief Plumbing Inspector

Cobo, Jose

Miami Shores

Chief Insp. Fire Sprinklers

Plans Exam. Fire Sprinklers

Plans Examiner (Mechanical)

Plans Examiner Mech. (Res.)

De Jonge, David A.

Coral Gables

Mechanical Inspector

Delgado De Oramas, Jose

North Bay Village

Plumbing Inspector

De Zayas, Eduardo

Miami-Dade County

Chief Electrical Inspector

Fernandez, Mariano V.

North Bay Village

Plans Examiner (Structural)

Building Official

Menendez, Tomas F.

North Bay Village

Plans Examiner (Structural)

Regula, Ronald

Miami-Dade County

Electrical Inspector

Rodriguez, Jesus

North Bay Village

Plans Examiner (Mechanical)

Tyson, Christopher G.

Miami Beach

Building Inspector

Vargas, Angel L.

North Bay Village

Plans Examiner (Building)

Wallace, Robert A.

North Bay Village

Plans Examiner (Structural)

Building Insp. (Structural)

Mechanical Inspector

A motion was made by Mr. Salvador to approve the above-mentioned for New Certification. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador then addressed the following individuals on the rejection list for **Re-Certification** for 2001:

#### **INSPECTOR:**

#### **REPRESENTING:**

#### **DISCIPLINES:**

Abin, Ricardo

Miami-Dade County

Electrical Inspector

**(Missing State of Florida License)**

➤ Rejected until proper paperwork is submitted to the Building Code Compliance Office

|  |                                   |   |
|--|-----------------------------------|---|
| Acevedo, Antonio<br><b>(Needs 16 hours of Continuing Education)</b><br>➤ Rejected – did not attend meeting   | Miami-Dade County                 | Building Insp. (Structural)   |
| Aronoff, Marvin<br><b>(Needs 12 hours of Continuing Education)</b><br>➤ Rejected until course is taken with the Building Code Compliance Office on February 21 <sup>st</sup> .     | North Miami Beach                 | Electrical Inspector<br>Plans Examiner Electrical   |
| Arteaga, Juan C.<br><b>(Needs 16 hours of Continuing Education)</b><br>➤ Approved  | Miami-Dade County                 | Plans Examiner Building<br>Building Insp. (Structural)  |
| Balsara, Nariman S.<br><b>(Needs 16 hours of Continuing Education)</b><br>➤ Rejected – did not attend the meeting  | Miami Beach                       | Plans Examiner Building<br>Building Insp. (Structural)<br>Plans Examiner (Structural)   |
| Carpenter, Joseph G.<br><b>(Needs 8 hours of Continuing Education)</b><br>➤ Rejected until course is taken with the Building Code Compliance Office on February 21 <sup>st</sup> . | Florida City                      | Electrical Inspector  |
| Chavarria, Roger<br><b>(Needs 16 hours of Continuing Education)</b><br>➤ Approved  | Miami-Dade County                 | Building Insp. (Structural)   |
| Gutierrez, Jorge A.<br><b>(Needs 2 hours of Continuing Education)</b><br>➤ Approved  | Hialeah                           | Plumbing Inspector  |
| Hatten, Joseph M.<br><b>(Needs 16 hours of Continuing Education)</b><br>➤ Approved - hours carried over  | Miami                             | Building Insp. (Structural)<br>Plans Examiner (Building)  |
| Hinson, John<br><b>(Needs 10 hours of Continuing Education)</b><br>➤ Rejected until 10 hours are produced to the Building Code Compliance Office                                   | Miami                             | Electrical Inspector  |
| Lee, Dale E.<br><b>(Needs 4 hours of Continuing Education)</b><br>➤ Rejected until course is taken with the Building Code Compliance Office on February 21 <sup>st</sup> .         | North Miami Beach                 | Building Official<br>Chief Building Inspector<br>Building Insp. (Res. Roofing)<br>Bldg. Insp. (Comm. Roofing)<br>Plans Examiner (Building)<br>Building Insp. (Structural) |
| Michelson, M. Donald<br><b>(Needs 4 hours of Continuing Education)</b><br>➤ Rejected until course is taken with the Building Code Compliance Office on February 21 <sup>st</sup> . | Miami Springs<br>Virginia Gardens | Chief Electrical Inspector<br>Chief Electrical Inspector  |
| Michelson, Sigurd W.<br><b>(Needs 4 hours of Continuing Education)</b><br>➤ Rejected until course is taken with the Building Code Compliance Office on February 21 <sup>st</sup> . | Miami Springs                     | Electrical Inspector<br>Plans Examiner Electrical   |

Ozuna, Jose D.

North Bay Village  
Miami Beach

Building Insp. (Structural)  
Building Insp. (Structural)

**(Needs 2 hours of Continuing Education)**

- Rejected until course is taken with the Building Code Compliance Office on February 21<sup>st</sup>.

**Discussion – Francisco Quintana - Angel Alvarez, Roofing Inspector**

Mr. Francisco Quintana, Director of the Building Code Compliance Office stated that there is a conflict of interest issue regarding Angel Alvarez, Roofing Inspector for three Miami-Dade County Municipalities.

Mr. Angel Alvarez stated to the members that he would cooperate to the fullest extent with whatever the Board decided.

Mr. Salvador informed Mr. Alvarez that he could not do work for the City and perform the test.

Mr. Jaime Gascon stated that they would exclude testing for that laboratory if the employee works in that city.

**Discussion – Oriol Torres-Haage**

Mr. Oriol Torres-Haage informed the members about an article in the Miami Herald on February 7, 2001 regarding the issue of the Eller case where a little boy was killed due to poor electrical wiring. Mr. Torres-Haage explained to the Board that according to the article Mr. Roy Van Wyk did not have the necessary experience in license to approve the plans in relation to this case.

Asst. County Attorney Hugo Benitez informed Mr. Torres-Haage that Mr. Roy Van Wyk must be given due process via written notice to address this issue to the Board.

Mr. Torres-Haage stated to the members that this issue is being brought forth for guidance as to how to handle this situation as per Section 201.7 of the South Florida Building Code.

After some discussion, Mr. Kurzman made a motion that based on the recommendation of the Asst. County Attorney that this issue be tabled to next month's hearing. Motion was seconded by Mr. Barnes.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Discussion – Asst. County Attorney Hugo Benitez**

Mr. Benitez informed the Board that the County Attorney's Office could no longer address conflict of interest issues or render an opinion to that effect. He suggested that the members with this problem can leave the room without saying a word, but if they wish to inform the Board verbally he or she must file this conflict of interest with the Elections Department.

**Meeting adjourned at 3:55 p.m.**

# **MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 03-15-01**

**Attendance:** Thomas Utterback, CH Richard Horton, VC Enrique Salvador Arnold Velazquez  
John Kurzman Robert Barnes Carmen Garcia Edward Woodward  
Jesus M. Gomez William Riley Capt. William Strachan Chief Virgil Fernandez  
Gregory Pierce Steven L. Johns

**Excused:** Rolando Diaz Justin Manuel Moshe Weitz

**Staff Present:** Francisco J. Quintana, Secretary Hugo Benitez, Asst. County Attorney Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick

**Commenced at 1:20 p.m.**

Prior to the meeting-taking place Mrs. Cristina Prkic, a representative from the Miami-Dade County Commission on Ethics and Public Trust addressed the Board in regards to Code of Ethics and informed the members that the department is advising all the advisory boards

## **Minutes of February 14<sup>th</sup>, 2001**

Mr. Utterback requested a motion to approve the minutes for the February 14<sup>th</sup>, 2001 meeting. Mr. Johns made a motion to approve the minutes of the prior meeting. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback requested a motion of the Board to accept the Consent Agenda.

## **CONSENT AGENDA**

**APPEAL #1: TCC EXTENSION, PERMIT No. B9904197, Hogle**

**APPEAL #2: TCO EXTENSION, PERMIT No. 2000-0106, Schmidt**

**APPEAL #3: TCO EXTENSION, PERMIT No. B9900795, Comras**

**APPEAL #4: TCO EXTENSION, PERMIT No. B9803067, Sabido**

**APPEAL #5: TCO EXTENSION, PERMIT No. B996018342, Nunez**

**APPEAL #6: TCO EXTENSION, PERMIT No. B9700865, Bloomberg**

**APPEAL #7: TCO EXTENSION, PERMIT No. 00-00000380, Nestor**

**APPEAL #8: TCO EXTENSION, PERMIT No. BL-98-915, Collins**

Mr. Kurzman moved to accept the Consent Agenda and Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback then informed the members that Appeal Nos. 2 and 5 were withdrawn per the appellants.

## **APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, Shoppes of Liberty City, Installation of Doors**

Mr. Kevin Taylor informed the Board that they have been working with Mr. Eisen to get everything processed, but are still in the process of doing engineering calculations. He stressed to the members that they needed more time to conclude this process.

Mr. Salvador then made a motion to grant a 60-day deferral. Motion was seconded by Mr. Woodward.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Edgewater Beach Hotel, 1410 Ocean Drive, Section 4904.6, Roof Top Equipment Clearance**

Mr. Frank Baltra stated that

Mr. Philip Azan, Building Official for the City of Miami Beach, cited Section 4904.6(a) of the South Florida Building Code

Mr. Pierce stated that the intent behind the stand requirements is so that the roof can be maintained.

After some discussion, Mr. Pierce made a motion to grant the appeal based on the fact that this meets the intent of the Code. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, The Village of Merrick Park, Section 1806.1 and 3802.2(c), Fire Rating of Roof**

Mr. Craig Redfirm stated that they wanted to provide a close spacing between the sprinklers and would like what was used to be an equal alternate.

Mr. Manny Lopez, Building Official for the City of Coral Gables, stated that they are required to have a 2-hour fire rating, but since this building is fully sprinkled, this protection can be dropped to 1-hour.

Chief Virgil Fernandez commented that a 1-hour fire rating is not enough and denied the appeal based on this fact. Capt. Strachan seconded motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #6: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, Santa Maria Marina, 1643 Brickell Avenue, Section 307.5, Issuance of a TCO**

Mr. Ron Choron stated that

Mr. Kurzman addressed the Mr. Benitez on the Board's authority to approve the appeal based on ADA.

Mr. Joe Ferras, Building Official for the City of Miami stated that he couldn't issue permits until they comply with the requirements of the code and

Mr. William Riley commented that the rules changed somewhere down the line and he felt bad for the appellant, since they have done everything requested of them.

Mr. Joe Ferras, Building Official for the City of Miami,

Mr. Kurzman made a motion to table the appeal. The motion was seconded by Mr. Fernandez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

After the motion, Mr. Benitez informed the appellant that they can go to the courts and seek permitting remedy, but they have to comply with the disability law.

**Historical Exception Appeal #1: City of Miami Beach, Brown's Hotel, 112 Ocean Drive, Section 104.10, Exterior Walls**

Mr. Stanley Price stated that in order to recreate the hotel they have been asked by the City of North Beach to

Mr. Philip Azan, Building Official for the City of Miami Beach, stated this building has been designated as a historic structure and the Board has the authority provided under Section 104.10 to grant such exemptions.

After some discussion, Mr. Salvador made a motion to grant the appeal. The appellant is to meet all the structural requirements of the Building Official. Motion seconded by Mr. Johns.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Historical Exception Appeal #2: City of Miami Beach, Maxim's Café, 1756 Collins Avenue, Section 104.10, Restroom Accessibility**

Mr. Cede Dais stated that this property is located within the historic district of Miami Beach and full compliance to the accessibility requirements will threaten the significance and integrity of this historically registered building. He further added that there is not enough room for two additional restrooms and would like the Board to waive the requirements pursuant to Section 104.10 of the South Florida Building Code.

Mr. Philip Azan, Building Official for the City of Miami Beach, stated that this is a new restaurant in the lobby of a hotel and the appeal is based on lack of fixtures. He added

Mr. Jamie Eisen, Code Compliance Officer II, (Structural), stated that this case should have gone to the Handicap Board, since this Board has no jurisdiction to rule on handicap issues.

After some discussion, Mr. Kurzman made a motion to approve the appeal based on the recommendation of the Building Official. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Interpretation: Use of PVC Piping in Open Air Garages - Alternate Materials/Products and Types of Construction and Combustible Materials Section 204, Section 1102.(c)1 and Section 1812.6**

Mr. Philip Azan, Building Official for the City of Miami Beach, informed the members that he was seeking an interpretation of Section 1102.2(c)(1) of the South Florida Building Code. Mr. Azan asked was the intent of this section to address the use of construction materials incorporated into the construction of the structure or was the intent to exclude the use of other accessory materials attached to the structure specifically PVC piping within an open air garage.

Mr. Pete Quintela stated that if the building is fully sprinkled it is accessible.

After some discussion, Mr. Horton interpreted that the structural framework and supports shall be of non-combustible materials. Motion was seconded by Mr. Strachan.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**REPORTS**

**Certification of Inspectors/Plans Examiners for March**

Mr. Enrique Salvador reported on the recommendations of the Certification Subcommittee and presented the following individuals for Re-Certification and New Certification.

The following individuals are being recommended for **approval** for **Re-Certification** for 2001.

**INSPECTOR:**  
Castañeda, Julio

**REPRESENTING:**  
Hialeah Gardens

**DISCIPLINES:**  
Mechanical Inspector  
Plans Examiner Mechanical  
Electrical Inspector  
Plans Examiner Electrical

Guasp, Jorge

Hialeah Gardens

The following individuals are being recommended for **approval** for **New-Certification** for 2001.

**INSPECTOR:**  
Alvarez, Elio  
Alvarez, Ibrahim  
Alvarez, Jorge

**REPRESENTING:**  
Aventura  
Miami Beach  
Coral Gables

**DISCIPLINES:**  
Plans Examiner (Electrical)  
Building Insp. (Structural)  
Roofing Insp. (Commercial)  
Roofing Insp. (Residential)  
Building Insp. (Structural)  
Building Insp. (Structural)  
Plans Examiner (Plumbing)  
Plumbing Inspector  
Building Insp. (Structural)

Anderson, Miguel R.  
Fallon, Dennis P.

Miami Beach  
Miami Beach

Garcia, Alejandro Q.

Miami-Dade County

|                                     |                               |  |
|-------------------------------------|-------------------------------|--|
| Hernandez, Luis B.<br>Lanza, Carlos | Miami-Dade County<br>Aventura | Building Insp. (Structural)<br>Roofing Insp. (Commercial)<br>Roofing Insp. (Residential)<br>Building Insp. (Structural)<br>Building Insp. (Residential)<br>Plans Examiner (Building) |
| Perez, Oscar<br>Regalado, Reinaldo  | Hialeah<br>Hialeah Gardens    | Electrical Inspector<br>Building Insp. (Structural)<br>Plans Examiner (Building)   |
| Rodriguez, Jesus                    | North Bay Village             | Chief Building Inspector<br>Roofing Insp. (Commercial)<br>Roofing Insp. (Residential)  |
| Wallace, Robert A.                  | North Bay Village             | Chief Mechanical Inspector   |

A motion was made by Mr. Salvador to approve the above-mentioned for Re-Certification and New Certification. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Discussion: Mr. Pete Quintela – Appointment of Mechanical Plans Examiners (Residential)**

After some discussion, Mr. Velazquez made an interpretation that this section reads as 5-years of journeyman general or one year as a masters. Motion seconded by Mr. Barnes.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Emergency Agenda:**

**TCO Extension: 12 Indian Creek Island Road, Master Permit #98061601**

Appeal withdrawn per the appellant, they received certificate of occupancy for the main house.

**Meeting adjourned at 2:45 p.m.**



# **MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 04-19-01**

**Attendance:** Thomas Utterback, CH    Richard Horton, VC    Enrique Salvador    Arnold Velazquez  
John Kurzman    Robert Barnes    Carmen Garcia    Edward Woodward  
Jesus M. Gomez    William Riley    Chief Virgil Fernandez    Gregory Pierce  
Steven L. Johns    Rolando Diaz    Justin Manuel    Moshe Weitz

**Excused:** Capt. William Strachan

**Staff Present:** Francisco J. Quintana, Secretary    Jeff Erlich, Asst. County Attorney    Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick

**Commenced at 1:20 p.m.**

## **Minutes of March 15<sup>th</sup>, 2001**

Mr. Utterback requested a motion to approve the minutes for the March 15<sup>th</sup>, 2001 meeting. Mr. Horton made a motion to approve the minutes of the prior meeting. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback requested a motion of the Board to accept the Consent Agenda and Emergency Consent Agenda.

## **CONSENT AGENDA**

**APPEAL #1: TCO EXTENSION, PERMIT No. 2000-029344, Pozo**

**APPEAL #2: TCC EXTENSION, PERMIT No. B9901174, Laurie**

**APPEAL #3: TCO EXTENSION, PERMIT No. B9901174, Laurie**

**APPEAL #4: TCO EXTENSION, PERMIT No. 98-915, Collins**

**APPEAL #5: TCO EXTENSION, PERMIT No. B8800095, Fine**

**APPEAL #6: TCO EXTENSION, PERMIT No. 96-5017655, Brant**

**APPEAL #7: TCO EXTENSION, PERMIT No. 1993278779, Garcia**

**APPEAL #8: TCC EXTENSION, PERMIT No. 94020613, Pasantes**

**APPEAL #9: TCO EXTENSION, PERMIT No. 1997066519, Maresma**

**APPEAL #10: TCO EXTENSION, PERMIT No. 1996055847, Maresma**

**APPEAL #11: TCO EXTENSION, PERMIT No. 97-5015192, Jackson**

## **EMERGENCY CONSENT AGENDA**

**APPEAL #1: TCC EXTENSION, PERMIT No. B0001114, Kuhl**

**APPEAL #2: TCC EXTENSION, PERMIT No. B9801740, Kuhl**

**APPEAL #3: TCC EXTENSION, PERMIT No. B0001107, Kuhl**

**APPEAL #4: TCO EXTENSION, PERMIT No. 9800428 and 9800785, Little**

**APPEAL #5: TCC EXTENSION, PERMIT No. B990455, Poux**

**APPEAL #6: TCC EXTENSION, PERMIT No. 990115, Greenwald**

### **Discussion: TCO Extensions - Condominiums**

Mr. Horton inquired about Condominiums coming numerous times for extensions. He requested information on why the work can not be finalized.

Mrs. Lucia Dougherty stated that she represents the developer for the Sunset Harbour North Condominiums and informed them that another extension is needed, due to the fact that the Condominium Association will not permit them to complete the work. She also informed the members that she had no problem reporting a monthly status to the Board.

Mr. Horton stated that some kind of reporting mechanism should be administered, because something needs to be done to expedite these projects.

Mr. Francisco Quintana, Director, Building Code Compliance Office, stated that the Board could pull the extensions from the Consent Agenda where an extension is being made to a condominium, they can or the members can deny the extension and the owners will have to move out.

Mr. Horton moved to accept the Consent Agenda and Emergency Consent Agenda. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton then made a motion to remove TCO extensions for existing condominiums from the Consent Agenda and add them to the Regular Agenda.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade County, 1230 N.W. 88 Street, Compliance with NFPA Window Height**

Mr. Conley Johnson explained to the Board that he changed the windows in question to a type that slides back 36 inches horizontally, providing greater access inside and outside. Mr. Johnson also added that there is a smoke detector in the house.

Mr. Utterback informed the members that the Building Code Compliance Office stated that in the past some inspectors accepted a wooden platform 12 inches in width and 36 inches in length to meet the minimum 44-inch requirement.

Mr. Flavio Gomez with the Building Department of Unincorporated Miami-Dade County stated that they do not have any objections to the proposal of the Building Code Compliance Office, but recommends that the platform be permanently attached to the wall or floor to the satisfaction of the Building Official.

Chief Virgil Fernandez commented that instead of building a platform maybe Mr. Johnson could place detectors in the bedrooms that have these windows.

After some discussion, Mr. Horton made a motion to approve the appeal as an equal alternate, due to either of the following: the room has hardwire smoke detectors or a 12-inch wide step to make up the difference between 44 inches or put in a twenty-minute door on the room where the window is being replaced. Mr. Diaz seconded the motion.

**Motion carried. (Mr. Pierce, Mr. Johns, Mr. Salvador and Mr. Woodard were opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Roney Place, 2301 Collins Avenue, Stop Work Order Violation/Skylight Structure**

Mr. Orlando Blanco stated that they were present to address the Stop Work Order issued to the Roney Palace for the use of 1/2" Durock as an exterior cladding component. Mr. Blanco explained to the Board the issue is a skylight structure where between the columns and beams metal studs, Exterior Durock was added with three coats of cement plaster.

Mr. Richard Mullin commented on the fact that this product can be put in water for a year and it would not deteriorate. He stated that Durock is accepted as an exterior sheathing and they have just renewed and revised the Notice of Acceptance for this product.

Mr. Horton asked about impact resistance and whether or not this product will pass the Large Missile Impact Test.

Mr. Blanco added that, while Durock is not specifically in the Code, there are other sections that address similar product use. He further explained to the members that they did not come across any information that it was tested and a Small Missile Impact Test would be the appropriate test.

Mr. Philip Azan, Building Official for the City of Miami Beach, stated that the Stop Work Order was issued because of the impact issue and the Building Code Compliance Office informed him that this product was tested for Large Missile Impact not Small Missile. He requested the Board require that a Small Missile Impact test be conducted.

Mr. David Hess stated that this product has been successfully used throughout the country.

After much discussion, Mr. Barnes made a motion to grant the appeal and allow the use of ½ Durock Brand Cement Board as an exterior wall cladding material; also a Small Missile Impact Test must be conducted. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

#### **Interpretation #1 – Mr. Francisco Quintana - Electrical Permit Requirements**

Mr. Quintana addressed the members and informed them that he is seeking an interpretation on electrical permit requirements and whether the Building Official should require an electrical permit to be issued to the mechanical contractor to disconnect and reconnect wiring on the load side when replacing an a/c unit.

Mr. Don Johnson, Chief Electrical Inspection for City of Surfside and Bay Harbour, described problems that were identified during inspection of the units involving life safety issues. He stated that since issuing mechanical contractors permits and conducting electrical inspections the results have been horrendous by preventing hazardous conditions.

Mr. Michael Devaney commented that hazardous conditions do exist; therefore, an electrical inspector should look at what the mechanical contractor is doing.

Mr. Mike Affronte stated that a second fee for an electrical permit is unfair. He added that there are a lot of violations out there, but the mechanical inspector and legal contractors are doing the job correctly. He commented that there should not be a double fee and essentially when he has a problem he hires an electrical contractor to take a look at the problem.

Mr. Pete Quintela, Building Code Compliance Office Mechanical Specialist, remarked that the main concern was the requirement for an electrical permit and the problem was charging for two permits where the work was already done. He added that many of the failures are coming from the original installation.

Mr. Kurzman commented that there is a difference between a County Inspector and a City Inspector and that is the City Inspector has more leeway to make field decisions, but the County Inspector has to go with what the plans examiner has approved. Mr. Kurzman explained that there is a lot of work being done without permits because of cost and time completion of the plans, he stressed to keep the process simplified.

Mr. Riley stated that electrical should do an inspection and reminded the members of the incident with the bus shelter.

Mr. Utterback reiterated for clarification that no electrical permit would be required, but an electrical inspector should inspect the work.

Mr. Chuck Meyer stated that he was with the Board of Rules and Appeals in Broward County and objected to being forced to pull an electrical permit to view the scope of his work and the rules are supposed to be uniformed throughout the state. He also added that he opposed to electrical inspectors inspecting their work.

After much discussion, Mr. Riley made a motion that it does require an electrical inspection and it should be done in accordance like Arnold pointed out, along the lines of the City of Miami where there's not an additional cost, but the electrical portion needs to be inspected by an Electrical Inspector.

#### **Interpretation #2 – Mr. Francisco Quintana - Temporary Use of Single Family Residences as Sales Offices**

Mr. Quintana read his memo into the record and informed the members that he is seeking an interpretation from the Board regarding the Temporary Use of Single Family Residences as Sales Offices. He explained that some owners have isolated some of the garage to work and there is a question as to how much space should be allowed.

Mr. Velazquez stated that this use is a temporary basis, which is not covered under the South Florida Building Code.

Mr. Flavio Gomez stated that accessibility is the issue and the air conditioning, but more importantly life safety needs to be addressed.

After some discussion, Mr. Velazquez made a motion that a single-family residence could be used on a temporary basis as a sales office, provided there is adequate accessibility to the handicapped, the air-conditioning is not connected to the A/C system and the required parking is provided with necessary lighting. Motion seconded by Mr. Salvador.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Weitz made a motion to hear the Emergency Appeal. The motion was seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Emergency Appeal #1: Unincorporated Miami-Dade County, 9100 N. Kendall Drive, Installation Clearance of Pedestal Lavatories**

Mr. Yamil Kuri stated that they are expecting a final inspection and is trying to avoid another extension. He added that there is enough space to clean the bathroom.

Mr. Stanley Price stated that they are requesting a waiver of the distance separation for the Brown's Hotel as required under Section 1804 of the South Florida Building Code. Mr. Price explained to the Board that the City of Miami Beach Historical Preservation Division requested that they recreate the porch area, which means that they must lift the building and shift it further to the west. He concluded that Brown's Hotel is an existing historic structure that cannot be made to comply with Section 1804 without jeopardizing the building's historic integrity.

Mr. Philip Azan, Building Official for the City of Miami Beach, stated this building has been designated as a historic structure and the Board has the authority provided under Section 104.10 to grant such exceptions.

After some discussion, Mr. Barnes made a motion to grant the appeal. The appellant is to meet all the structural requirements of the Building Official. Motion seconded by Mr. Riley.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **REPORTS**

### **Certification of Inspectors/Plans Examiners for April**

Mr. Enrique Salvador reported on the recommendations of the Certification Subcommittee and presented the following individuals for Re-Certification and New Certification.

The following individuals are being recommended for **approval** for **Re-Certification** for 2001.

**INSPECTOR:**

Fernandez-Barquin, Juan  
Khan, Mohammad S.

**REPRESENTING:**

Miami  
Miami Beach

**DISCIPLINES:**

Plans Examiner (Structural)  
Plans Examiner (Structural)  
Plans Examiner (Building)

The following individuals are being recommended for **approval** for **New-Certification** for 2001.

**INSPECTOR:**

Auchet, Pedro  
Cobo, Jose

**REPRESENTING:**

Aventura  
South Miami

**DISCIPLINES:**

Building Insp. (Structural)  
Plans Examiner (Mechanical)  
Plans Examiner Mech. (Res.)  
Mechanical Inspector  
Plans Examiner (Structural)  
Plans Examiner (Building)  
Plans Examiner (Structural)

De Zayas, Eduardo  
Naumann, Carlos A.

Hialeah Gardens  
Hialeah

|                    |                   |  |
|--------------------|-------------------|--|
| Lanza, Carlos      | North Bay Village | Roofing Insp. (Commercial)<br>Roofing Insp. (Residential)<br>Building Insp. (Structural)<br>Plans Examiner (Building)<br>Building Official           |
| Palacio, Eliezer   | Hialeah           | Roofing Insp. (Residential)<br>Building Insp. (Structural)<br>Building Official  |
| Regalado, Reinaldo | Hialeah Gardens   | Roofing Insp. (Commercial)<br>Roofing Insp. (Residential)<br>Building Insp. (Residential)<br>Chief Inspector (Building)<br>Plans Examiner (Building) |
| Valderrama, Freddy | Miami-Dade County |  |

A motion was made by Mr. Kurzman to approve the above-mentioned for Re-Certification and New Certification. Motion seconded by Mr. Riley.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

#### **Discussion – Mr. Riley – Board of Rules and Appeals Members Badges**

Mr. William Riley raised the issue once again about the members obtaining badges and made a motion for every member to have a badge. Motion seconded by Mr. Weitz.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Quintana advised the members that he would look into the request again.

#### **Emergency Appeal #2: Key Biscayne, Ritz Carlton Hotel**

Dr. Bonneau stated that the problem is that they do not have a 2-hr label listed for the fire wrap, which is on the duct for the staircase pressurization and smoke evacuation. He informed the members that the material did receive a test and passed, but because the label was not listed they have to redo the test.

Mr. Pete Quintela, Building Code Compliance Mechanical Specialist, stated that the office received a complaint that this job was using material that was not listed and they were using one wrap instead of two. He added that they are registered with Omega Lab, but are awaiting a listing; consequently, they want to occupy the structure once the CO is issued.

Mr. Horton made a motion to approve the material used as an equal alternate until certification is made. Motion seconded by Mr. Salvador.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

#### **Annual Report for 2000**

Mr. Quintana brought to the Board's attention the Annual Review Report for 2000.

Mr. Barnes then made a motion to approve the report as presented to them. Motion seconded by Mr. Salvador.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Meeting adjourned at 4:45 p.m.**

# **MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 05-24-01**

**Attendance:** Thomas Utterback, CH    Richard Horton, VC    Enrique Salvador    Arnold Velazquez  
John Kurzman    Robert Barnes    Carmen Garcia    Edward Woodward  
Jesus M. Gomez    William Riley    Chief Virgil Fernandez    Gregory Pierce  
Steven L. Johns    Rolando Diaz    Justin Manuel    Moshe Weitz  
Capt. William Strachan

**Staff Present:** Francisco J. Quintana, Secretary    Hugo Benitez, Asst. County Attorney    Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick

**Commenced at 1:25 p.m.**

## **Minutes of April 18<sup>th</sup>, 2001**

Mr. Utterback requested a motion to approve the minutes for the April 18<sup>th</sup>, 2001 meeting. Mr. Riley informed the chairman that he would like to amend and clarify the intent of his motion on the electrical issue and would like his motion to read as follows:

*“That it does require an electrical inspection and it should be done in accordance like Arnold pointed out, along the lines of the City of Miami where there’s not an additional cost, but the electrical portion needs to be inspected by an Electrical Inspector.”*

After some discussion, Mr. Riley made a motion to accept the minutes with the amendment as indicated. Motion seconded by Mr. Kurzman.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback requested a motion of the Board to accept the Consent Agenda.

## **CONSENT AGENDA**

**APPEAL #1: TCO EXTENSION, PERMIT No. BC000202, Warren**

**APPEAL #2: TCO EXTENSION, PERMIT No. BC0000266, Brown**

**APPEAL #3: TCC EXTENSION, PERMIT No. B9904197, Hogle**

**APPEAL #4: TCC EXTENSION, PERMIT No. BCC0000261, Zion-Ben**

**APPEAL #5: TCC EXTENSION, PERMIT No. B9703176, Palmer**

**APPEAL #6: TCO EXTENSION, PERMIT No. 99-5009829, Piazza**

Mr. Utterback then requested a motion to approve and accept the Consent Agenda. A motion was made by Mr. Kurzman to approve the Consent Agenda with one amendment to Appeal No.3 – Goddess Nightclub. He explained to the Board that the situation with extensions have lingered for months; therefore he would like to only grant the appeal for thirty (30)-days and have the respondent come to the next board meeting to explain any request for further extensions. Motion seconded by Mr. Diaz.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback then requested a motion to approve the Consent Agenda as a whole with the amendment that was made by Mr. Kurzman. A motion was made by Mr. Horton and seconded by Mr. Diaz.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Kurzman then made a motion to remove **Appeal No. 2** from the regular agenda according to the letter submitted from the appellant. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Church of Jesus Christ of Latter-Day Saints, 6950 Indian Creek Drive, Roof Deck**

Mr. Richter stated that they are 85% completed with this structure and the roof is constructed of metal trusses with fire extinguishers throughout the area and eight additional fire sprinkler heads added to the roof. He added that he has had many fire inspections and roof inspections, plus this building will only be used on Sundays and a few days during the week.

Mr. Utterback informed the members that Mr. Phillip Azan, Building Official for the City of Miami Beach could not make the meeting due to an emergency, but wanted the Board to know that he stood by his memo. (Mr. Utterback read the memo into the records).

Chief Virgil Fernandez commented that the size of the hole requires a sprinkler and it in actual fact required when the correct roof assembly is implemented. Mr. Fernandez expressed his concern about someone getting on this roof.

Mr. Michael Goosby, Code Compliance Roofing Specialist stated that he had explored many options within the South Florida Building Code in regards to the limited combustibility to establish the flame spread. He added that one of them was that the coating could be brush applied or spray applied.

After much discussion, Mr. Velazquez moved to table this item for thirty- (30) days to allow the appellant time to work out a solution for the installed ¾" plywood roof deck. Mr. Horton seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**TCO APPEAL #1: Extension of Permit: Village of Pinecrest, Manuel E. Iglesias, 12300 Old Cutler Road, Permit #98-0237**

Mr. Jerry Proctor commented that they are requesting a 60-day extension due to a problem with the building permit concerning the front door of the house. He explained that he is seeking a one-time product approval for the door and they have obtained a permit for shutters to be installed by May 31, 2001.

After some discussion, Mr. Kurzman made a motion to grant a TCO extension of 60-days to allow time to obtain product approval and installation of a shutter for the front door. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Discussion on the motion:**

Mr. Leo Llanos, Building Official for the City of Pinecrest stated that he did not have a problem with the extension as long as the shutters are put in by June 1<sup>st</sup>. He informed the Board that they have submitted the paperwork for the one-time approval to Dade County, but it was missing additional back-up material.

Mr. Raul Rodriguez, Chief, Product Control Division, explained to the members that at the moment there is not an application on file due to additional information pending. The application was sent back for corrections and to this date they have not received a response. He further added that the process would take two weeks through the expedite process and if someone can provide evidence that this door meets the code there should be no problem.

**Discussion – Electrical Permit Requirements**

Asst. County Attorney, Hugo Benitez informed the Board that there were two separate issues to be addressed; who does the work and under what condition is the work performed. He reminded them that the South Florida Building Code requires that an electrical permit be mandatory and they cannot go against the Florida statute's determination that a licensed mechanical contractor is entitled to perform the electrical work on the unit.

After much discussion, Mr. Diaz made a motion that the mechanical contractor will pull the electrical permit as a mechanical contractor being authorized to do this part of the work from the State. Mr. Kurzman seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Kurzman informed the chairman that he would need to excuse himself from the remaining of the meeting, but requested that a memo be sent to each municipality stating the ruling of the Board on this issue.



Mr. Pete Quintela, Code Compliance Mechanical Specialist requested clarification on who is responsible for making corrections when there are repairs needed to the electrical portion and the mechanical contractor did the work. He explained to the Board that he is specifically concerned with bonding.

After some discussion, Mr. Fernandez then made a motion to address this issue in a Subcommittee meeting. Motion seconded by Mr. Velazquez.

The chairman advised staff that this issue can be further addressed at the Subcommittee level when scheduled.

## **Reports**

### **Certification of Inspectors/Plans Examiners for May**

Mr. Enrique Salvador reported on the recommendations of the Certification Subcommittee and presented the following individuals for Re-Certification and New Certification.

The following individuals are being recommended for **approval** for **New-Certification** for 2001.

#### **INSPECTOR:**

#### **REPRESENTING:**

#### **DISCIPLINES:**

Alonso, Ulises  
Annese, Salvatore

Miami-Dade County  
Miami Springs

Building Insp. (Structural)  
Building Official  
Chief Building Inspector  
Plans Examiner (Building)  
Plans Examiner (Structural)  
Roofing Insp. (Commercial)  
Roofing Insp. (Residential)

Bolaños, Carlos  
Cronin, John C.

Miami-Dade County  
Medley

Building Insp. (Structural)  
Chief Plumbing Inspector  
Plans Examiner Plumbing  
Roofing Insp. (Commercial)  
Roofing Insp. (Residential)  
Building Insp. (Structural)  
Building Insp. (Structural)  
Plans Examiner (Building)  
Plans Examiner (Structural)

Gadea, Eleazar

City of Miami

Building Insp. (Structural)  
Building Official  
Plans Examiner (Mechanical)  
Mechanical Inspector

Gonzalez, Jose R.  
Juara, Jose M.

Miami-Dade County  
Miami Beach

Building Insp. (Structural)  
Roofing Insp. (Residential)  
Building Insp. (Structural)  
Building Insp. (Structural)  
Bldg. Insp. Structural (Rest.)  
Roofing Insp. (Commercial)  
Roofing Insp. (Residential)

O'Donnell, William R.  
Parker, Clayton L.  
Pinna Sean Christopher

Miami Beach  
Sunny Isles Beach  
Miami Beach

Plans Examiner Plumbing  
Plans Exam Plumbing (Rest.)  
Roofing Insp. (Commercial)  
Roofing Insp. (Residential)  
Building Insp. (Structural)  
Plans Examiner (Building)  
Roofing Insp. (Commercial)

Rivas, Angel R.

Hialeah

Rodriguez, Luis M.  
Rosal, Raquel  
Rubi, Richard

Miami Beach  
Miami-Dade County  
Hialeah

Urgelles, Gerardo

Coral Gables

Varona, Antonio L.

City of Miami

Willis, Henry L.

Pinecrest

A motion was made by Mr. Kurzman to approve the above-mentioned for New Certification. Motion seconded by Mr. Riley.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

After the certification report the board members took recess.

### **Emergency Appeal #1: City of Miami, 50 N.E. 9 Street, Smoke Control System**

Chief Virgil Fernandez informed the Board that he needed to rescue himself from voting on this issue due to the fact that the appeal was based on a decision that he made.

Mrs. Lucia Dougherty informed the members that they are seeking a TCO extension before the next June meeting and explained that 80% of the floors in this building are made up of technical equipment and this is the only facility built of this kind in the United States. She added that this building could withstand a force five windstorm and basically they cannot comply with the smoke control in this building due to equipment that must be maintained at a temperature of 68 to 72 degrees. Furthermore, she urged the Board to approve this facility as designed.

Mr. Carl Baldassarra commented that there has never been a loss of life in any one of these buildings and the industry record is very good. He informed the Board that the South Florida Building Code does not exactly address telecommunication buildings, but NFPA 76 recognizes these structures. In addition, he explained that there is a low occupant level, large floor-to-floor heights and also sprinklers and smoke detectors, so this building exceeds the protection that is required.

Mr. Joe Ferras stated that many individuals in the City of Miami accepted this project and their concern is that there must be mechanical pressurization and the means of egress and smoke evacuation is also a factor.

At this time, Mr. Quintana informed the Board that he had spoken with the County Attorney's Office and they informed him that it would not be a conflict for Mr. Fernandez to speak on this issue.

Chief Virgil Fernandez stated that pressurization was violated when they added partitions and there is a problem testing the system. He explained that the Fire Department has the right to go into a place and expect visual ability, but more importantly the question is whether or not this system is acceptable.

After much discussion, Mr. Diaz made a motion to accept Schirmer Engineering report and the proposed engineered smoke control system as an alternate. The appellant must also seek the Fire Department's acceptance of signaling for exits of the structure. Motion seconded by Mr. Barnes.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Emergency Appeal #2: Unincorporated Miami-Dade County, 8310 S.W. 176 Street, Shutter Requirements**

Sandra Cleary, appellant and property owner, informed the Board of the circumstances leading to her request for an appeal. Ms. Cleary explained that the Building Official of Unincorporated Miami-Dade County has required that she install hurricane shutters in the openings leading to the house from the solarium on her property, rebuilt after Hurricane Andrew.

Mr. Quintana addressed the members informing them of the emergency ordinance approved at that time which allowed inspections by Architects and Engineers and based on such inspection the Building Official could issue a final.

After reviewing all documentation, the Board identified records of inspection in January 1994 showing "framing passed" as a result of special inspection by an Architect/Engineer. The Board determined that based on the fact that the inspection took place prior to the Code revision for shutters, which was in September of 1994, this permit can be administratively entered as a "final" based on a framing, which was the only requirement for such structure. A motion was made by Mr. Weitz to rule in favor of the appellant. The motion was seconded by Mr. Barnes and carried unanimously.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Emergency Appeal #3: City of Miami, Three Tequesta Point, 848 Brickell Key Drive, Fuel Tank Installation**

Alfonso Fernandez-Fraga, appellant and engineer, presented to the Board with illustrative drawings on this Diesel Tank fill assembly indoors and how it meets the NFPA 37, 5-3.2.2, Exception. He indicated that the City of Miami Fire Department's position was that the fuel tank should be installed outdoors. Further, Mr. Fernandez-Fraga went on to give some examples of instances where equipment and installations do not necessarily meet the letter of the Code requirement, but do meet the Code intent by virtue of its listing.

Chief Fernandez addressed the Board stating the requirement of a fuel tank to be installed outdoors is to ensure that flammable liquids or vapors are not released inside a building.

Mr. Fernandez-Fraga reiterated that the placement of this fuel tank is completely isolated as an entity separated from the occupied building as illustrated.

Chief Fernandez advised the Board that he did not feel comfortable as to the process that was going to be used to fill the tank due to the installation being below flood criteria elevation.

After much discussion and deliberation, Mr. Diaz moved to require the necessary check valve and to extend the tank top fill to the outside of the wall with the filling station outside. The motion was seconded by Mr. Weitz.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Meeting adjourned at 6:00 p.m.**

# **MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 06-21-01**

**Attendance:** Thomas Utterback, CH Richard Horton, VC Steven L. Johns Rolando Diaz  
William Riley Chief Virgil Fernandez John Kurzman Carmen Garcia  
Moshe Weitz Capt. William Strachan Jesus Gomez  
Arnold Velazquez Enrique Salvador

**Excused:** Robert Barnes Justin Manuel Gregory Pierce Edward Woodard

**Staff Present:** Francisco J. Quintana, Secretary Hugo Benitez, Asst. County Attorney Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick

**Commenced at 1:25 p.m.**

## **Minutes of May 24<sup>th</sup>, 2001**

Mr. Utterback requested a motion to approve the minutes for the May 24<sup>th</sup>, 2001 meeting. Mr. Kurzman then made a motion to approve the minutes of the last meeting. Motion seconded by Mr. Salvador.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback requested a motion of the Board to accept the Consent Agenda.

## **CONSENT AGENDA**

**APPEAL #1: TCO EXTENSION, PERMIT No. 00-000000380, Nestor**

**APPEAL #2: TCO EXTENSION, PERMIT No. B9904387, Fine**

**APPEAL #3: TCO EXTENSION, PERMIT No. B9700865, Ferrari-Tobin**

**APPEAL #4: TCO EXTENSION, PERMIT No. B0002201, Travis**

**APPEAL #5: TCO EXTENSION, PERMIT No. B9803067, Sabido**

**APPEAL #6: TCC EXTENSION, PERMIT No. 94020613, Pasantes**

**APPEAL #7: TCO EXTENSION, PERMIT No. 99-5007282, Meltzer**

**APPEAL #8: TCO EXTENSION, PERMIT No. 00010232, Chanin**

Mr. Utterback then requested a motion to approve and accept the Consent Agenda. A motion was made by Mr. Johns to accept the Consent Agenda. Motion seconded by Mr. Fernandez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback then requested a motion to approve the Emergency Consent Agenda.

## **EMERGENCY CONSENT AGENDA**

**APPEAL #1: TCO EXTENSION, PERMIT No. B99044197, Hogle**

**APPEAL #2: TCO EXTENSION, PERMIT No. 20000005, William**

A motion was made by Mr. Kurzman to accept the Emergency Consent Agenda. Motion seconded by Mr. Fernandez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Philip Azan, Building Official for the City of Miami Beach informed the Board that **Appeal No. 1 – Church of Jesus Christ of Latter-Day Saints** is withdrawn, the owner and the City have agreed on a resolution.

**APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Church of Jesus Christ of Latter-Day Saints, 6950 Indian Creek Drive, Roof Deck**

Mr. William Westman, Homeowner, explained to the Board that there is a rigid metal pipe that runs along the top of the roof that carries power to the central air conditioning unit, where Isaac Roofing Company was able to replace the roofing under the metal pipe without any difficulty. He further informed the Board that the pipe along the roof sustained 130mph winds during Hurricane Andrew without any damages or movement; therefore he requested that they grant their approval.

Mr. Kenny Everett, Unincorporated Miami-Dade County Building Department, stated that the contractor was told they needed to remove or raise the pipe that was installed.

Building Department Roofing Supervisor Stu Baisman commented that the installation is insecure and even though plastic cement was added afterward for security, they feel that this is not enough.

After some discussion, Mr. Utterback requested a motion. Mr. Horton then made a motion to accept this method as an equal alternate, providing the grounding wires are in place. Mr. Salvador seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**TCO APPEAL #1: Extension of Permit: City of Miami Beach, Sunset Harbour North Condominium, Permit #B8800095**

Mrs. Lucia Dougherty, who represented the developer, commented that these structures have been occupied for four years and basically some of the balconies are crumbling. She explained to the members that the homeowners' do not like the method of fixing, but they have been able to work things out to resolve this matter.

Mr. Lance Atkins, Structural Engineer, informed the Board that he took on the design for these balconies and he prepared calculations and tests. He stated that he is preparing drawings based on the mark-up and will then return to the City of Miami Beach for permit approval.

Mr. Kurzman asked about life safety mechanisms for the homeowners' in these buildings.

Mr. Lance Atkins reminded the Board that the east side and west side are in good condition and the post-tension is keeping the balconies strong. The Building Official has instructed the owners' not to use the balconies.

Mr. Philip Azan, City of Miami Beach Building Official, stated that he had no objections to an extension.

After some discussion, Mr. Salvador made a motion to grant the TCO extension. Motion seconded by Mr. Kurzman.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Reports**

**Certification of Inspectors/Plans Examiners for June**

Mr. Enrique Salvador reported on the recommendations of the Certification Subcommittee and presented the following individuals for Re-Certification and New Certification.

The following individuals are being recommended for **approval** for **New-Certification** for 2001.

**INSPECTOR:**

Annese, Richard  
Council II, Joseph E.  
Grant, Ryan A.  
Navia, Jesus

**REPRESENTING:**

Miami Springs  
Miami-Dade County  
Miami-Dade County  
Sunny Isles Beach

**DISCIPLINES:**

Bldg Insp. Structural (Restr.)  
Plumbing Inspector  
Plans Examiner (Mechanical)  
Roofing Insp. (Residential)

Mr. Salvador made a motion to approve the above-listed for **New Certification**. Motion seconded by Mr. Johns.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

The following individuals are being recommended for **rejection** for **New Certification** for 2001.

**INSPECTOR:**

Garcia, Ulises A.

**REPRESENTING:**

Pinecrest

**DISCIPLINES:**

Chief Electrical Inspector  
Plans Examiner (Electrical)  
Plans Exam. Electrical (Res.)  
Electrical Inspector

**(Does not meet the requirement of the South Florida Building Code, Section 4501.3, requires 5 years as a Certified Electrical Contractor or 5 years as a Professional Engineer (Licensed)).**

Mr. Herminio Gonzalez, Chief, Code Compliance Division stated that Mr. Garcia has received very good recommendations, but the Code must be enforced.

Mr. Oriol Torres-Haage, Electrical Code Compliance Specialist, commented that the code was modified recently to reduce the requirements for Chief Electrical from ten years to five years. He explained that Mr. Garcia has the State Contractor's license, but does not meet the five-year requirement.

Mr. Garcia commented that he has had more than 30 years of experience and held licenses as a State Life Safety Inspector and Life Safety Specialist. He informed the members that he also did this type of work with the State of Florida Agency of Health Care Administration for almost five years.

After some discussion, Mr. Weitz made a motion to approve Mr. Garcia based on an alternate method to the code. Mr. Velazquez offered a friendly amendment to state that the Board considers Mr. Garcia's five years of work experience as an inspector for AHCA. Mr. Weitz accepted the amendment and Mr. Velazquez seconded the motion.

**Motion carried. (Mr. Riley was opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Salvador informed the Board that Mr. Ruiz was not present, but due to the circumstances surrounding the applicant, he requested that Mr. Ruiz be denied new certification. Motion seconded by Mr. Johns.

**Motion carried. (Mr. Velazquez was opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Ruiz, Robert J.

Medley

Plans Examiner (Electrical)  
Electrical Inspector

**(Applicant refused to complete documents: Exhibit 1, Authorization to Release Information form and Waiver of Confidentiality form).**

The following individual is being recommended for **De-certification** for 2001.

**INSPECTOR:**

Batista, Ramiro A.

**REPRESENTING:**

Opa-Locka

**DISCIPLINES:**

Building Insp. (Structural)

**(The South Florida Building Code, Section 201.5(a)(10) requires that you hold a valid State License under F.S. 468 for certification)**

Mr. Salvador informed the Board that Mr. Batista turned in his card at the Certification meeting and understood the process in what was expected of him to be re-certified.

**Emergency Appeal #1: City of Coral Gables, Gables on the Green, 626 Coral Way, Subsection 204 of the SFBC, Alternate type of Construction**

Mrs. Lucia Dougherty, representing the owner, stated that the emergency was due to correction of the ceiling height for the Gables on the Green.

Mr. Kurzman moved to hear the appeal. Motion seconded by Mr. Fernandez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mrs. Lucia Dougherty informed the members that the garage should have had a slope in it and would be proposing equal alternates.

Mr. Jaime Eisen, Structural Code Compliance Specialist, explained to the members that the City of Coral Gables informed him that they would accept the Board's determination.

Mrs. Dougherty proposed the following solutions: (1) Building a little soffit, (2) Have bars installed or (3) Add rubber bumper. She informed the members that they prefer to utilize the bars, but would accept any of the other alternatives.

After some discussion, Mr. Johns made a motion to accept the solution proposed. Mr. Diaz then offered an amendment to the motion that these spaces will never be used as handicapped parking. Motion seconded by Mr. Salvador.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Emergency Appeal #2: Unincorporated Miami-Dade County, 7820 N.W. 185 Street, Roof Permit Rejection, Permit #1995086993**

Mr. Al Rojas stated that he is seeking a appeal of the decision of the Roofing Inspector to reject his roof for final inspection.

Mr. Weitz made a motion to hear the appeal. Motion seconded by Mr. Fernandez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Rojas stated that he worked on the roof along with his brother and a few sub-contractors. The engineering firm found no problems with the roof and he is willing to deal with the consequences if anything goes wrong. He further explained to the Board that this is his homestead and to have to replace the roof would be very costly.

Mr. Kenny Everett with the Building Department stated that the inspector rejected the roof because the work was concealed and also there is a five-year gap between inspections.

Mr. Rolando Diaz stated that the roof was done without permits and now needed additional inspections. He also stated that the pitch was not the only issue.

Mr. Goolsby, Roofing Building Code Compliance Specialist commented that this type of roof required numerous inspections.

Mr. Edward Rojas, brother of the owner of the house stated that they hired laborers to help with the roof and they laid the tile according to the manufactures specifications.

Mr. Charles Danger, Building Official for Unincorporated Miami-Dade County, stated that the owner can use day labor, but a tile roof permit issued to a homeowner was an error.

Mr. Moshe Weitz commented that the work without permits is for the Building Department to handle and since a lab certified the installation, he would like to see the method used as an alternate.

Mr. Velazquez stated that the owner is residing in this property and he will have to live with anything that goes wrong. Therefore he made a motion to defer this appeal until next month to give the owner time to meet with the manufacturer. Motion seconded by Mr. Weitz.

**Motion died with a vote of 3 to 10. (Mr. Velazquez, Mr. Weitz and Mr. Strachan were in favor of the motion).**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

After more discussion, Mr. Diaz made a motion to deny the appeal citing that the method used does not comply with the code and there are no variances. Mr. Riley seconded the motion.

**Motion carried with a vote of 11 to 2. (Mr. Velazquez and Mr. Strachan were opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Emergency Appeal #3: City of Miami Beach, 650 Michigan Avenue, Permit #BC941658, Permit Renewal**

Mr. Steven Goldberg stated that they had jalocie windows and wanted to upgrade. He explained that the old permit needed to be renewed so that he could close out the permit and sell the building.

Mr. Weitz made a motion to hear the appeal. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Philip Azan, Building Official for the City of Miami Beach stated that the permit was issued in March of 1994 and there are no inspections for the installation of the windows.

After some discussion, Mr. Weitz made a motion to grant the appeal and the appellant must have an Engineer or Architect perform an inspection to certify the windows. Mr. Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Emergency Appeal #4: Unincorporated Miami-Dade County, Crown Park at Miami Lakes, NW 82 Avenue and NW 140 Street, Vertical Accessibility**

Mr. Velazquez left the room.

Assistant County Attorney, Hugo Benitez informed the members that this item is before them improperly and submitted in violation of the Code to have a member appear before the Board. He explained to the Board that he informed both the developer and The Building Code Compliance Office that this item should be withdrawn and presented to the Board correctly; therefore he advised them not to hear this appeal until it is submitted properly.

Mr. Ed Bell stated that he is a shareholder of this property and informed the Board they had consulted with the Ethics Commission, found no problem with Arnold Velazquez submitting the case. He explained that the hiring of Mr. Velazquez is his preference and more importantly, Mr. Velazquez has rescued himself.

Mr. Kurzman commented that their legal advisor is the County Attorney and made a motion to table this item for (30) days per his recommendation. Motion seconded by Mr. Salvador.

**Motion carried with a vote of 12 to 1. (Mr. Johns was opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Historical Appeal #1: City of Miami Beach, The Mermaid Guest House, 909 Collins Avenue, Section 104.10 of the SFBC**

After some discussion, the Appellants withdrew their appeal and decided to work out a solution with the City of Miami Beach.

**Board Discussion:**

Mr. Velazquez addressed some concern regarding Building Inspectors whose municipality goes to private inspections. He suggested that perhaps inspectors should be given a grace period of 60 to 90 days where they still will be recognized as active with the city and when they move to another municipality they won't have to go through whole process of re-certification.

Mr. Saldavor stated that it's just a formality of filling out forms and since all the requirements are already there the process should not take too long.

Mr. Utterback reminded the members once again the importance of placing their cellular phones on do not disturb or silent ring.

**Meeting adjourned at 3:35 p.m.**



## MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 07-19-01

**Attendance:** Thomas Utterback, CH                      Richard Horton, VC                      Ed Woodward                      Jesus M. Gomez  
Chief Virgil Fernandez                      Steven L. Johns                      Rolando Diaz                      Moshe Weitz  
Capt. William Strachan                      John Kurzman                      Carmen Garcia                      Arnold Velazquez  
Robert Barnes                      Justin Manuel                      Gregory Pierce

**Excused:** William Riley                      Enrique Salvador

**Staff Present:** Francisco J. Quintana, Secretary                      Hugo Benitez, Asst. County Attorney                      Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick

**Commenced at 1:20 p.m.**

### Minutes of June 21<sup>st</sup>, 2001

Mr. Utterback requested a motion to approve the minutes for the June 21<sup>st</sup>, 2001 meeting. Mr. Horton then made a motion to approve the minutes of the last meeting. Motion seconded by Mr. Woodard.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback requested a motion of the Board to accept the Consent Agenda and Emergency Consent Agenda.

### CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 98-915, Collins**

**APPEAL #2: TCO EXTENSION, PERMIT No. 2000-073627, Throat – 2<sup>nd</sup> Level, Cricket**

**APPEAL #3: TCO EXTENSION, PERMIT No. 2000-073627, Throat – 3<sup>rd</sup> Level, Cricket**

**APPEAL #4: TCO EXTENSION, PERMIT No. 2000-073627, Level – Gate D2, Cricket**

**APPEAL #5: TCO EXTENSION, PERMIT No. 2000-073627, Throat Ramp Level, Cricket**

**APPEAL #6: TCO EXTENSION, PERMIT No. 99-5011180, Miller**

**APPEAL #7: TCO EXTENSION, PERMIT No. B9701059, Reddick**

**APPEAL #8: TCO EXTENSION, PERMIT No. 00-080125, Interior, Gonzalez**

**APPEAL #9: TCO EXTENSION, PERMIT No. 00-120436, 8<sup>th</sup> Floor, Gonzalez**

**APPEAL #10: TCC EXTENSION, PERMIT No. 99-070457, Shell, Gonzalez**

Mr. Kurzman made a motion to accept the Consent Agenda. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### EMERGENCY CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 01-040471, Gonzalez**

**APPEAL #2: TCO EXTENSION, PERMIT No. 1999-092851, Was**

**APPEAL #3: TCO EXTENSION, PERMIT No. 1993278779, Garcia**

**APPEAL #4: TCO EXTENSION, PERMIT No. 96055847, MIA-CC “B”, Maresma**

**APPEAL #5: TCO EXTENSION, PERMIT No. 1997066519, MIA-CC “A”, Maresma**

**APPEAL #6: TCO EXTENSION, PERMIT No. BL-00193, Clark**

**APPEAL #7: TCO EXTENSION, PERMIT No. BCO01044, De La Fuente**

Mr. Utterback requested a motion of the Emergency Consent Agenda. Mr. Kurzman then made a motion to approve the Emergency Consent Agenda, items 1 through 8.

Mr. Weitz stated that he would like to hear item #8 (**Bay Road Venture, Inc., 1401 Bay Road**) on the Emergency Consent Agenda. He felt that the non-performance issue of the general contractor should be addressed separately.

Mr. Kurman accepted the amendment to the motion and Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade County, Crown Park at Miami Lakes, NW 82<sup>nd</sup> Avenue and NW 140 Street, Vertical Accessibility**

Mr. Velazquez excused himself from the room.

Mrs. Lucia Dougherty, representing Babcock-Bell Development Corporation, stated that she is appealing the Building Department's stance that a mezzanine with more than five occupants has to be accessible. Mrs. Dougherty added that these are individual units or bays for industrial use and are zoned for industrial, where there are no general offices in the area, except for a mezzanine upstairs, which is enclosed and is not accessible to the public. She is appealing the load and capacity requirements, and asked the members whether or not an elevator to mezzanine level is necessary.

Mr. Ed Bell, Representative for the owners and part owner of the project, stated that if this structure is not labeled business use, and since the NFPA does not specify what to call the structure, then the Architect could certify how many people can occupy this area.

Mr. Charles Danger, Building Official for Miami-Dade County, stated that the application submitted was for warehouse district and therefore, the applicant must show the type of business. Mr. Danger stated that the Building Official has the authority to declare the use, which is one person per 100 square feet. He explained that unless he has the type of use, he has no authority to grant anything, but more importantly, the buyer has the right to know what they are purchasing, as well as the type of business.

Mr. Diaz commented that the building permit has to be issued and maybe if a covenant is added to the building, the buyer will have to abide by these restrictions.

Mr. Danger addressed Mr. Diaz's suggestion of a covenant running with the land and added that covenants are usually a zoning concern, not the Building Official's.

Mr. Horton stated this is a case-by-case basis and the tenant would have to prove that there are no more than five people to occupy the unit.

After much discussion, Mr. Danger stated he would not issue a Certificate of Completion to the job until the tenant improvements are made, but there can be no services or power until he releases the tenant service improvement. He further added that he would not release the power to the locations that have not been sold and a CO has not been applied.

Mrs. Dougherty agreed to these conditions.

**No motion needed.**

**APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Shops at South Beach, 500 Collins Avenue, Section 302.2(b)(3)**

Mr. Michael Larkin, representing Coolidge South Market Equities, stated that he is seeking an appeal regarding Section 302.2(b)(3) of the South Florida Building Code requiring that shoring drawings be submitted prior to the issuance of a building permit. Mr. Larkin informed the members that this would be a burden, because the structural engineer yet to be selected at this time. He further added that the members of the Building Code and Product Review Committee addressed this issue on March 6, 2000, and they recognized the difficulty in complying with this Section. He then requested that the Board allow them to obtain a building permit prior to submitting the shop drawings for the shoring of the post-tension slabs and then a delegated engineer could prepare the shop drawings after the post-tension shop drawings are completed.

After some discussion, Mr. Horton made a motion to grant the appeal based on the fact that the Florida Building Code is addressing this issue and also on the recommendation of the Building Code and Product Committee. Motion seconded by Mr. Pierce.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of South Miami, 5331 S.W. 63 Court, Section 304.3 of the SFBC, Time Limitation**

Mr. Manuel Pato informed the Board that he would cooperate with the Building Official's recommendation regarding the extension of the building permits that have expired.

Mr. Kurzman then made a motion to grant the appeal based on the letter from Sonia Lama, Building Official of Coral Gables. Motion seconded by Mr. Pierce.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, Mutiny Park, 2889 McFarlane Road, Section 4907.2(b) of the SFBC**

Mr. Raphael Pena with RPJ Inc., Consulting Engineers, informed the Board that he is appealing the interpretation of Section 4907.2 of the South Florida Building Code regarding the installation of air conditioning air handling units without an auxiliary drain pan. Mr. Pena then explained that the units have an access panel, which also acts as a return air grille underneath the unit and once the grille is opened the unit is completely accessible. He further added that the City of Miami has objected to this type of installation and are trying to force them to install a secondary drain pan, of which they feel is not needed at this time.

Mr. Roberto Villanueva, City of Miami Mechanical Chief, stated that this job site was approved with an auxiliary water pan underneath the unit, and they have informed the contractor and the subcontractor that they have to install a pan. He added that the Code requires an auxiliary pan to catch any condensation.

Mr. Rafael Palacios, Mechanical Contractor of the project, stated that he installed the A/C for Miami Jewish Center for the aged and there was also no auxiliary drain pan installed at this site. Mr. Palacios commented that they never acknowledged to installing a secondary drain pan, for the reason that these units were submitted and approved with a factory installed auxiliary switch.

Mr. Jorge Gamoneda, Building Code Compliance Office, Plumbing Specialist informed the Board that he was speaking for Mr. Pete Quintela, Building Code Compliance Office, Mechanical Specialist, and stated that there is corrosion and condensation around the unit.

Mr. Palacios responded that there are other units that have the auxiliary pan, but more importantly there are three other projects where there is no secondary drain pan and were inspected and approved by the City of Miami.

Chief Virgil Fernandez stated that based on the literature the unit was concealed and made a motion to deny the appeal, since the code requires a second drain pan in concealed space. Motion seconded by Mr. Velazquez.

**Motion failed.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

Mr. Pierce commented that if the unit is accessible, then it is not concealed and that if the primary drain fails, then yes the secondary drain pan is needed, but there is a float switch that takes the place of a secondary drain pan. He further stated that the protection is present and would consider this an equal alternate.

After much discussion, Mr. Horton made a motion to grant the appeal based on the fact that the piece of equipment is factory supplied with an overflow device and with the fact that it is questionable as to whether the units are concealed. Motion seconded by Mr. Pierce.

**Motion carried. (Mr. Velazquez, Mr. Diaz, Mr. Manuel and Mr. Fernandez were opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**APPEAL #5: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Ritz Plaza Hotel, 1701 Collins Avenue, Section 304.3 of the SFBC, Time Limitation**

Appeal was withdrawn per the appellant; letter on file.

At this time the board took a recess at 2:48 P.M. and reconvened at 3:00 P.M.

**HISTORICAL EXEPTION:**

**APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, 832 Alhambra Circle, Section 104.10 of the SFBC**

Mr. Zeke Guilford commented about the historical significance of the building and cited Section 104.10 of the South Florida Building. He then explained to the board that Section 104.2(c), which is the standard set for when there is an excess of 25 percent except, for the structural portion of adding columns to the existing building. Mr. Guildford added if the columns were added, it would destroy the historic integrity of the structure. Moreover, Mr. Manny Lopez, Building Official for the City of Coral Gables, has no objection to them utilizing the exception.

Mr. Manny Lopez, City of Coral Gables Building Official, commented that he has no objection since the appellant is willing to comply with every part of the Code requirements except for the tie down.

After some discussion, Mr. Barnes made a motion to grant the appeal.. Motion seconded by Mr. Diaz.

**Motion carried. (Mr. Weitz was opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

## **TCO/TCC APPEALS**

**TCC EXTENSION APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo-South Building, 1500 Bay Road, Permit #B000117 (Pool)**

**TCC EXTENSION APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo-South Building, 1500 Bay Road, Permit #B000114 (12-Lanai Units)**

**TCC EXTENSION APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo-South Building, 1500 Bay Road, Permit #B9801740 (2<sup>nd</sup> to 15<sup>th</sup> Floor)**

Mr. Johns made a motion based on the Building Official's recommendation to grant 60-day TCC Extensions for The Grand Flamingo. Motion seconded by Mr. Kurzman.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **Reports**

### **Certification of Inspectors/Plans Examiners for July**

Mr. Steven Johns reported on the recommendations of the Certification Subcommittee and presented the following individuals for Re-Certification and New Certification.

The following individuals are being recommended for **approval** for **New-Certification** for 2001.

#### **INSPECTOR:**

Avalos, Adrian  
Esher, Charles B.  
Salas, Armando

#### **REPRESENTING:**

Miami Beach  
El Portal  
Miami Beach

#### **DISCIPLINES:**

Building Insp. Structural  
Building Official  
Building Insp. Structural

Mr. Johns made a motion to approve the above-listed for **New Certification**. Motion seconded by Mr. Kurzman.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

Mr. Johns then added that the following individual was being recommended for **rejection** for **New Certification** for 2001.

#### **INSPECTOR:**

Meares, Rick

#### **REPRESENTING:**

Pinecrest

#### **DISCIPLINES:**

Chief Electrical Inspector  
Plans Examiner (Electrical)  
Electrical Inspector

**(Does not meet the requirement of the South Florida Building Code, Section 4501.3, requires 5 years as a Certified Electrical Contractor and 5 years of field experience under that certification.**

Mr. Johns indicated that Mr. Meares was missing the required years of field experience and as a Certified Electrical Contractor. He further explained to the members that Mr. Meares was not present at the Certification meeting on July 19<sup>th</sup> and therefore made a motion to deny Mr. Meares, based on necessary requirements not being met. Motion seconded by Mr. Diaz.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

### **Discussion: Uniform Permit Application for the High Velocity Hurricane Zone**

Mr. Michael Goolsby, Building Code Compliance Office, Roofing Specialist, explained to the board that they are trying to establish a uniform application process for Dade and Broward County. Mr. Goolsby requested that the board consider and approve this process as an equal alternate, so that they can initiate the training with industry.

After some discussion, Mr. Pierce made a motion to consider the proposal presented by the Building Code Compliance Office. Mr. Velazquez seconded the motion provided industry was in accordance.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

Mr. Jean Fall, President of the South Florida Roofing and Sheet Metal Contractors Association, wanted the Board to know that he agreed and supported the process initiated by Mr. Goolsby.

Mr. Virgil Fernandez excused himself for the day at 3:15 P.M.

### **Emergency Consent Appeal**

#### **TCO EXTENSION No. #8: City of Miami Beach, Bay Road Venture, Inc., 1401 Bay Road, Permit #B990455**

Mr. Guy Poux, Director of Operations and Project Manager for the Bay Road Venture, Inc., explained that the Senior Chief Inspector pointed out that the balconies of the building had a four-inch high by two to three inch deep little lip that was part of the structural entity of each one of the pop outs and this concerned him because children could utilize this for a step. He then stated that Mr. Azan suggested that he request an extension from the Board of Rules and Appeals.

Mr. Weitz made a motion to grant a 90-day TCO extension. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Emergency Appeal #1: City of Coral Gables, 600 Coral Way, Segovia Towers (Parking Garage), Section 203.4(b) of the SFBC, Alternate methods of construction**

Mr. Weitz made a motion to hear the appeal. Motion seconded by Mr. Fernandez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

Mrs. Lucia Dougherty, representing Ocean Bank, stated that there are fifteen units with one unit on each floor and the issue is the height underneath the girders, which do not comply with the 6'8" requirements. She explained to the members that during the construction they discovered depressions underneath the girders and slab. Mrs. Dougherty requested that the Board permit them to use a protective edge on the concrete beam with a high color contrast as an equal alternate.

Mr. Manny Lopez, Building Official for the City of Coral Gables, stated that they might have poured the floor higher with too much concrete. He commented that he would not have a problem with the Board granting the use suggested by the appellant.

After some discussion, Mr. Kurzman made a motion to approve the method suggested as an equal alternate for this location. Motion seconded by Mr. Barnes.

Mr. Diaz offered a friendly amendment to the motion in regards to the location of the pipes, in that it is subject to Mr. Lopez's verification or his inspectors that there is no pipe under the pedestrian areas.

Mr. Kurman accepted the amendment. Motion seconded by Mr. Barnes.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Emergency Appeal #2: City of South Miami, 6608 S.W. 62 Terrace, Section 304.3(a) of the SFBC, Open Permit**

Mr. Velazquez made a motion to hear the appeal. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Chris Diaz stated that he owned the house for five years and was in the process of selling the property when he established that there was an open re-roofing permit pending from the previous owner. He requested that the Board

Mr. Velazquez made a motion to grant the appeal based on the Building Official's recommendation. Motion seconded by Mr. Pierce.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Board Discussion:**

Mr. Utterback inquired about the Building Code Compliance Office administering training for the members of the Board of Rules and Appeals in regards to the new Florida Building Code.

Mr. Quintana suggested that the office could offer a transition course to the members.

Mr. Hugo Benitez, Assistant County Attorney, stated that the County Commission approved a substantial increase to the Board's duties, and one of them is to serve as a quasi-judicial board to evaluate decisions of the Board of County Commissioners to determine compliance with the Florida Building Code. He informed the Board that he would prepare a memo outlining the changes, and have it for them at the next board meeting.

Mr. Utterback informed the Board that the Building Code and Product Review Committee would be a subcommittee of the Board of Rules and Appeals.

Mr. Utterback raised a question as to the start time of the meetings and suggested maybe conducting the Certification Subcommittee on the same day as the regular BORA meetings.

**Meeting adjourned at 3:45 p.m.**

## MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 07-19-01

**Attendance:** Thomas Utterback, CH Richard Horton, VC Ed Woodward Jesus M. Gomez  
Chief Virgil Fernandez Steven L. Johns Rolando Diaz Moshe Weitz  
Capt. William Strachan John Kurzman Carmen Garcia Arnold Velazquez  
Robert Barnes Justin Manuel Gregory Pierce

**Excused:** William Riley Enrique Salvador

**Staff Present:** Francisco J. Quintana, Secretary Hugo Benitez, Asst. County Attorney Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick

**Commenced at 1:20 p.m.**

### Minutes of June 21<sup>st</sup>, 2001

Mr. Utterback requested a motion to approve the minutes for the June 21<sup>st</sup>, 2001 meeting. Mr. Horton then made a motion to approve the minutes of the last meeting. Motion seconded by Mr. Woodard.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback requested a motion of the Board to accept the Consent Agenda and Emergency Consent Agenda.

### CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 98-915, Collins**

**APPEAL #2: TCO EXTENSION, PERMIT No. 2000-073627, Throat – 2<sup>nd</sup> Level, Cricket**

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**APPEAL #7: TCO EXTENSION, PERMIT No. B9701059, Reddick**

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**APPEAL #9: TCO EXTENSION, PERMIT No. 00-120436, 8<sup>th</sup> Floor, Gonzalez**

**APPEAL #10: TCC EXTENSION, PERMIT No. 99-070457, Shell, Gonzalez**

Mr. Kurzman made a motion to accept the Consent Agenda. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### EMERGENCY CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 01-040471, Gonzalez**

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**APPEAL #7: TCO EXTENSION, PERMIT No. BCO01044, De La Fuente**

Mr. Utterback requested a motion of the Emergency Consent Agenda. Mr. Kurzman then made a motion to approve the Emergency Consent Agenda, items 1 through 8.

Mr. Weitz stated that he would like to hear item #8 (**Bay Road Venture, Inc., 1401 Bay Road**) on the Emergency Consent Agenda. He felt that the non-performance issue of the general contractor should be addressed separately.

Mr. Kurman accepted the amendment to the motion and Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade County, Crown Park at Miami Lakes, NW 82<sup>nd</sup> Avenue and NW 140 Street, Vertical Accessibility**

Mr. Velazquez excused himself from the room.

Mrs. Lucia Dougherty, representing Babcock-Bell Development Corporation, stated that she is appealing the Building Department's stance that a mezzanine with more than five occupants has to be accessible. Mrs. Dougherty added that these are individual units or bays for industrial use and are zoned for industrial, where there are no general offices in the area, except for a mezzanine upstairs, which is enclosed and is not accessible to the public. She is appealing the load and capacity requirements, and asked the members whether or not an elevator to mezzanine level is necessary.

Mr. Ed Bell, Representative for the owners and part owner of the project, stated that if this structure is not labeled business use, and since the NFPA does not specify what to call the structure, then the Architect could certify how many people can occupy this area.

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Mr. Diaz commented that the building permit has to be issued and maybe if a covenant is added to the building, the buyer will have to abide by these restrictions.

Mr. Danger addressed Mr. Diaz's suggestion of a covenant running with the land and added that covenants are usually a zoning concern, not the Building Official's.

Mr. Horton stated this is a case-by-case basis and the tenant would have to prove that there are no more than five people to occupy the unit.

After much discussion, Mr. Danger stated he would not issue a Certificate of Completion to the job until the tenant improvements are made, but there can be no services or power until he releases the tenant service improvement. He further added that he would not release the power to the locations that have not been sold and a CO has not been applied.

Mrs. Dougherty agreed to these conditions.

**No motion needed.**

**APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Shops at South Beach, 500 Collins Avenue, Section 302.2(b)(3)**

Mr. Michael Larkin, representing Coolidge South Market Equities, stated that he is seeking an appeal regarding Section 302.2(b)(3) of the South Florida Building Code requiring that shoring drawings be submitted prior to the issuance of a building permit. Mr. Larkin informed the members that this would be a burden, because the structural engineer yet to be selected at this time. He further added that the members of the Building Code and Product Review Committee addressed this issue on March 6, 2000, and they recognized the difficulty in complying with this Section. He then requested that the Board allow them to obtain a building permit prior to submitting the shop drawings for the shoring of the post-tension slabs and then a delegated engineer could prepare the shop drawings after the post-tension shop drawings are completed.

After some discussion, Mr. Horton made a motion to grant the appeal based on the fact that the Florida Building Code is addressing this issue and also on the recommendation of the Building Code and Product Committee. Motion seconded by Mr. Pierce.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*



**APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of South Miami, 5331 S.W. 63 Court, Section 304.3 of the SFBC, Time Limitation**

Mr. Manuel Pato informed the Board that he would cooperate with the Building Official's recommendation regarding the extension of the building permits that have expired.

Mr. Kurzman then made a motion to grant the appeal based on the letter from Sonia Lama, Building Official of Coral Gables. Motion seconded by Mr. Pierce.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami, Mutiny Park, 2889 McFarlane Road, Section 4907.2(b) of the SFBC**

Mr. Raphael Pena with RPJ Inc., Consulting Engineers, informed the Board that he is appealing the interpretation of Section 4907.2 of the South Florida Building Code regarding the installation of air conditioning air handling units without an auxiliary drain pan. Mr. Pena then explained that the units have an access panel, which also acts as a return air grille underneath the unit and once the grille is opened the unit is completely accessible. He further added that the City of Miami has objected to this type of installation and are trying to force them to install a secondary drain pan, of which they feel is not needed at this time.

Mr. Roberto Villanueva, City of Miami Mechanical Chief, stated that this job site was approved with an auxiliary water pan underneath the unit, and they have informed the contractor and the subcontractor that they have to install a pan. He added that the Code requires an auxiliary pan to catch any condensation.

Mr. Rafael Palacios, Mechanical Contractor of the project, stated that he installed the A/C for Miami Jewish Center for the aged and there was also no auxiliary drain pan installed at this site. Mr. Palacios commented that they never acknowledged to installing a secondary drain pan, for the reason that these units were submitted and approved with a factory installed auxiliary switch.

Mr. Jorge Gamoneda, Building Code Compliance Office, Plumbing Specialist informed the Board that he was speaking for Mr. Pete Quintela, Building Code Compliance Office, Mechanical Specialist, and stated that there is corrosion and condensation around the unit.

Mr. Palacios responded that there are other units that have the auxiliary pan, but more importantly there are three other projects where there is no secondary drain pan and were inspected and approved by the City of Miami.

Chief Virgil Fernandez stated that based on the literature the unit was concealed and made a motion to deny the appeal, since the code requires a second drain pan in concealed space. Motion seconded by Mr. Velazquez.

**Motion failed.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

Mr. Pierce commented that if the unit is accessible, then it is not concealed and that if the primary drain fails, then yes the secondary drain pan is needed, but there is a float switch that takes the place of a secondary drain pan. He further stated that the protection is present and would consider this an equal alternate.

After much discussion, Mr. Horton made a motion to grant the appeal based on the fact that the piece of equipment is factory supplied with an overflow device and with the fact that it is questionable as to whether the units are concealed. Motion seconded by Mr. Pierce.

**Motion carried. (Mr. Velazquez, Mr. Diaz, Mr. Manuel and Mr. Fernandez were opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**APPEAL #5: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Ritz Plaza Hotel, 1701 Collins Avenue, Section 304.3 of the SFBC, Time Limitation**

Appeal was withdrawn per the appellant; letter on file.

At this time the board took a recess at 2:48 P.M. and reconvened at 3:00 P.M.

**HISTORICAL EXEPTION:**

**APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, 832 Alhambra Circle, Section 104.10 of the SFBC**

Mr. Zeke Guilford commented about the historical significance of the building and cited Section 104.10 of the South Florida Building. He then explained to the board that Section 104.2(c), which is the standard set for when there is an excess of 25 percent except, for the structural portion of adding columns to the existing building. Mr. Guildford added if the columns were added, it would destroy the historic integrity of the structure. Moreover, Mr. Manny Lopez, Building Official for the City of Coral Gables, has no objection to them utilizing the exception.

Mr. Manny Lopez, City of Coral Gables Building Official, commented that he has no objection since the appellant is willing to comply with every part of the Code requirements except for the tie down.

After some discussion, Mr. Barnes made a motion to grant the appeal.. Motion seconded by Mr. Diaz.

**Motion carried. (Mr. Weitz was opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

## **TCO/TCC APPEALS**

**TCC EXTENSION APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo-South Building, 1500 Bay Road, Permit #B000117 (Pool)**

**TCC EXTENSION APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo-South Building, 1500 Bay Road, Permit #B000114 (12-Lanai Units)**

**TCC EXTENSION APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo-South Building, 1500 Bay Road, Permit #B9801740 (2<sup>nd</sup> to 15<sup>th</sup> Floor)**

Mr. Johns made a motion based on the Building Official's recommendation to grant 60-day TCC Extensions for The Grand Flamingo. Motion seconded by Mr. Kurzman.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **Reports**

### **Certification of Inspectors/Plans Examiners for July**

Mr. Steven Johns reported on the recommendations of the Certification Subcommittee and presented the following individuals for Re-Certification and New Certification.

The following individuals are being recommended for **approval** for **New-Certification** for 2001.

#### **INSPECTOR:**

Avalos, Adrian  
Esher, Charles B.  
Salas, Armando

#### **REPRESENTING:**

Miami Beach  
El Portal  
Miami Beach

#### **DISCIPLINES:**

Building Insp. Structural  
Building Official  
Building Insp. Structural

Mr. Johns made a motion to approve the above-listed for **New Certification**. Motion seconded by Mr. Kurzman.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

Mr. Johns then added that the following individual was being recommended for **rejection** for **New Certification** for 2001.

#### **INSPECTOR:**

Meares, Rick

#### **REPRESENTING:**

Pinecrest

#### **DISCIPLINES:**

Chief Electrical Inspector  
Plans Examiner (Electrical)  
Electrical Inspector

**(Does not meet the requirement of the South Florida Building Code, Section 4501.3, requires 5 years as a Certified Electrical Contractor and 5 years of field experience under that certification.**

Mr. Johns indicated that Mr. Meares was missing the required years of field experience and as a Certified Electrical Contractor. He further explained to the members that Mr. Meares was not present at the Certification meeting on July 19<sup>th</sup> and therefore made a motion to deny Mr. Meares, based on necessary requirements not being met. Motion seconded by Mr. Diaz.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

### **Discussion: Uniform Permit Application for the High Velocity Hurricane Zone**

Mr. Michael Goolsby, Building Code Compliance Office, Roofing Specialist, explained to the board that they are trying to establish a uniform application process for Dade and Broward County. Mr. Goolsby requested that the board consider and approve this process as an equal alternate, so that they can initiate the training with industry.

After some discussion, Mr. Pierce made a motion to consider the proposal presented by the Building Code Compliance Office. Mr. Velazquez seconded the motion provided industry was in accordance.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

Mr. Jean Fall, President of the South Florida Roofing and Sheet Metal Contractors Association, wanted the Board to know that he agreed and supported the process initiated by Mr. Goolsby.

Mr. Virgil Fernandez excused himself for the day at 3:15 P.M.

### **Emergency Consent Appeal**

#### **TCO EXTENSION No. #8: City of Miami Beach, Bay Road Venture, Inc., 1401 Bay Road, Permit #B990455**

Mr. Guy Poux, Director of Operations and Project Manager for the Bay Road Venture, Inc., explained that the Senior Chief Inspector pointed out that the balconies of the building had a four-inch high by two to three inch deep little lip that was part of the structural entity of each one of the pop outs and this concerned him because children could utilize this for a step. He then stated that Mr. Azan suggested that he request an extension from the Board of Rules and Appeals.

Mr. Weitz made a motion to grant a 90-day TCO extension. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Emergency Appeal #1: City of Coral Gables, 600 Coral Way, Segovia Towers (Parking Garage), Section 203.4(b) of the SFBC, Alternate methods of construction**

Mr. Weitz made a motion to hear the appeal. Motion seconded by Mr. Fernandez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

Mrs. Lucia Dougherty, representing Ocean Bank, stated that there are fifteen units with one unit on each floor and the issue is the height underneath the girders, which do not comply with the 6'8" requirements. She explained to the members that during the construction they discovered depressions underneath the girders and slab. Mrs. Dougherty requested that the Board permit them to use a protective edge on the concrete beam with a high color contrast as an equal alternate.

Mr. Manny Lopez, Building Official for the City of Coral Gables, stated that they might have poured the floor higher with too much concrete. He commented that he would not have a problem with the Board granting the use suggested by the appellant.

After some discussion, Mr. Kurzman made a motion to approve the method suggested as an equal alternate for this location. Motion seconded by Mr. Barnes.

Mr. Diaz offered a friendly amendment to the motion in regards to the location of the pipes, in that it is subject to Mr. Lopez's verification or his inspectors that there is no pipe under the pedestrian areas.

Mr. Kurman accepted the amendment. Motion seconded by Mr. Barnes.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Emergency Appeal #2: City of South Miami, 6608 S.W. 62 Terrace, Section 304.3(a) of the SFBC, Open Permit**

Mr. Velazquez made a motion to hear the appeal. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Chris Diaz stated that he owned the house for five years and was in the process of selling the property when he established that there was an open re-roofing permit pending from the previous owner. He requested that the Board

Mr. Velazquez made a motion to grant the appeal based on the Building Official's recommendation. Motion seconded by Mr. Pierce.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Board Discussion:**

Mr. Utterback inquired about the Building Code Compliance Office administering training for the members of the Board of Rules and Appeals in regards to the new Florida Building Code.

Mr. Quintana suggested that the office could offer a transition course to the members.

Mr. Hugo Benitez, Assistant County Attorney, stated that the County Commission approved a substantial increase to the Board's duties, and one of them is to serve as a quasi-judicial board to evaluate decisions of the Board of County Commissioners to determine compliance with the Florida Building Code. He informed the Board that he would prepare a memo outlining the changes, and have it for them at the next board meeting.

Mr. Utterback informed the Board that the Building Code and Product Review Committee would be a subcommittee of the Board of Rules and Appeals.

Mr. Utterback raised a question as to the start time of the meetings and suggested maybe conducting the Certification Subcommittee on the same day as the regular BORA meetings.

**Meeting adjourned at 3:45 p.m.**

## MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 09-20-01

**Attendance:** Thomas Utterback, CH      Richard Horton, VC      Jesus M. Gomez      Steven L. Johns  
Rolando Diaz      Moshe Weitz      Capt. William Strachan      John Kurzman  
Robert Barnes      William Riley      Enrique Salvador      Gregory Pierce

**Excused:** Justin Manuel      Chief Virgil Fernandez      Carmen Garcia  
Arnold Velazquez      Edward Woodard

**Staff Present:** Francisco J. Quintana, Secretary      Hugo Benitez, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick

**Commenced at 1:30 p.m.**

### Minutes of July 19<sup>th</sup>, 2001

Mr. Utterback requested a motion to approve the minutes for the July 19<sup>th</sup>, 2001 meeting. Mr. Kurman then made a motion to approve the minutes of the last meeting. Motion seconded by Mr. Pierce.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback requested a motion of the Board to accept the Consent Agenda and Emergency Consent Agenda.

### CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 1999045371, Putnam**

**APPEAL #2: TCO EXTENSION, PERMIT No. 98-0237, Proctor**

**APPEAL #3: TCO EXTENSION, PERMIT No. 2000-029344, Pozo**

**APPEAL #4: TCO EXTENSION, PERMIT No. 2001-026379, Acosta**

**APPEAL #5: TCO EXTENSION, PERMIT No. 99-5018342, Nunez**

**APPEAL #6: TCO EXTENSION, PERMIT No. Various, McDowell**

**APPEAL #7: TCC EXTENSION, PERMIT No. 94020613, Pasantes**

**APPEAL #8: TCO EXTENSION, PERMIT No. BC001044, de la Fuente**

**APPEAL #9: TCO EXTENSION, PERMIT No. 00-00000380, Nestor**

**APPEAL #10: TCO EXTENSION, PERMIT No. B9702427, Reddick**

### EMERGENCY CONSENT AGENDA

**APPEAL #1: TCO/TCC EXTENSION, PERMIT No. Various, Gonzalez (Withdrawn)**

**APPEAL #2: TCO EXTENSION, PERMIT No. 9800428 and 9800785, Rios**

**APPEAL #3: TCO EXTENSION, PERMIT No. 20000005, Kaskell**

**APPEAL #4: TCO EXTENSION, PERMIT No. 99080697, Ruiz**

**APPEAL #5: TCO EXTENSION, PERMIT No. B9700865, Bloomberg**

**APPEAL #6: TCO EXTENSION, PERMIT No. 99100078, Breiter**

Mr. Kurzman made a motion to accept the Consent Agenda and Emergency Consent Agenda. Mr. Pierce seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 2940 Collins Avenue, Section 304.3(f) of the South Florida Building Code, Permit Extension**

Mr. Utterback informed the members that Appeal No. 1 was withdrawn based on agreement made with Building Official.

**APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, 4203 Ponce De Leon Blvd., Section 0104.2 of the South Florida Building Code**

Mr. Bruno Ramos stated that they are appealing the requirement for an existing building with additions greater than 25% to comply fully with all the requirements of the code, unless separated by a firewall division. He added that they have reviewed the Florida Building Code and there is an exception, but more importantly this is a life safety issue, not a structural issue.

Mr. Manny Lopez, Building Official for the City of Coral Gables, stated that this area needed to be brought up to code, and commented that the rest of the State is exempt except from complying with this Section, except for Dade and Broward County.

Mr. Diaz commented that if you do not meet any of the requirements, then compliance is not met.

Mr. Weitz then made a motion to deny the appeal. Motion seconded by Mr. Diaz.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**HISTORICAL EXCEPTION:**

**APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Casa Tua, 1700 James Avenue, Section 104.10 of the South Florida Building Code**

Mrs. Elizabeth Glenn, Representative for Daniel Robertson, stated that they are requesting a historic exception from meeting product approval on the replacement of an exterior door in order to match the original door and keep the historical significance of the structure. She proposed the use of shutters on these doors during the hurricane season for safety.

Mr. Raul Rodriguez, Chief, Product Control Division, explained to the members that they could obtain an approval through a Deem to Comply from the Product Control Division of the Building Code Compliance Office. He stated that with the Deem to Comply they could build a custom door.

Mr. Philip Azan, Building Official for the City of Miami Beach, stated that he had no objections.

After some discussion, Mr. Diaz made a motion to grant the appeal as presented by the appellant. Motion seconded by Mr. Johns.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**TCO/TCC APPEALS**

**TCO EXTENSION APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Sunset Harbour North Condominium, 1900 Sunset Harbour Drive-North Tower, Permit #B8800095**

Mr. Robert Fine stated that an extension is needed to complete a small amount of work remaining. He explained to the members that the plans were submitted to the Building Department regarding testing of a proposal to repair the balconies.

After some discussion, Mr. Kurzman made a motion to grant a 90-day extension. Motion seconded by Mr. Diaz.

**Motion carried unanimously. (Mr. Pierce left the room).**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**TCO EXTENSION APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Blue and Green Diamond Condominium, 4775 Collins Avenue, Permit #B9904387**

Mr. Robert Fine stated that there are two towers and some TCO's needed more time due to the size of the tower.

Mr. Johns then made a motion to approve a 90-day extension. Mr. Diaz seconded the motion.

**Motion failed 7 to 5.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mrs. Estelle Lichtman informed the Board that she has served on the Board of Blue Diamond Condominiums, but resigned due to non-performance. She stated that it has been seven years and this building is still not completed, she requested that they shorten the time given.

Mr. Fine reported that not all TCO's have been obtained and more importantly, there are 600 units and 80 stories. He stated that it costs the owner \$18,000 to renew a TCO per building and suggested that maybe a report be submitted to the Board to track the progress.

Mr. Salvador explained his disgust with the fact that it has taken so many years to complete this structure. He recommended 45 days as sufficient enough time.

Mr. Diaz offered a 90-day TCO extension with a report submitted within 60 days to the Board. He then asked the Asst. County Attorney, Hugo Benitez whether they will be able obtain the TCO with these stipulations.

Mr. Benitez answered yes.

Mr. Philip Azan, Building Official for the City of Miami Beach stated that a lot of the tenants' complaints are maintenance issues.

Mr. Utterback explained to the tenants' that the Board does not regulate maintenance issues.

Mrs. Soieto stated that basic construction is the main problem and they are neglecting the roof, which has been under repair for two months.

Mr. Fine commented that the developers weren't aware of the roof leaks, but more importantly the Building Official has the authority to revoke the TCO. He added that 460 units have obtained a TCO and explained to the members that there was a delay in the project, due to financial concerns and there are still a number of units to be purchased.

Mr. Tony Jebian, Vice President of the Company and Project Manager, stated that they have five additional floors to complete and could not at the time offer a completion timeframe. He commented that there are lights in the corridors and there is ongoing restoration of the balconies.

Mr. Azan stated that he has met with several of the owners' to determine what needed to be corrected, as well as maintenance issues.

Mr. Alexander Reus, Attorney and owner stated that they are not being told anything and the effects of the delay are not fair. He added that the developers are doing poor work and should be given a shorter TCO extension.

After much discussion, Mr. Kurzman made a motion to grant a 90-day TCO extension and the developer shall prepare a repair list with the input of the homeowners' and within 60-days report to appear before the Board of Rules and Appeal with a progress report. Motion seconded by Mr. Pierce.

**Motion carried 8 to 4.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **Discussion**

Mr. Pierce stated that the homeowners should be very much involved in the preparing of the repair list.

Mr. Fine commented that he would furnish an update to the Board and the homeowners' as to the progress of the issues at hand.

Mr. Richard McConahie, City of Miami Beach stated that there are a lot of maintenance issues to be deal with, but there is progress and there are no life safety issues.

**TCC EXTENSION APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo-South Building, 1500 Bay Road, Permit #B000117 (Pool)**

**TCC EXTENSION APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo-South Building, 1500 Bay Road, Permit #B000114 (12-Lania Units)**

**TCC EXTENSION APPEAL #5: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, The Grand Flamingo-South Building, 1500 Bay Road, Permit #B9801740 (2<sup>nd</sup> to 15<sup>th</sup> Floor)**

Mr. Garrett Kuhl stated that they are in the process of obtaining a final inspection; therefore an extension is needed to complete the entire project.

Mr. Johns made a motion to grant 60-day extensions on the above-mentioned appeals. Motion seconded by Mr. Kurzman.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **CLARIFICATION**

### **CHAPTER 3, SECTION 301 EXCEPTION**

Mr. Joe Ferras, Building Official City of Coral Gables, commented that he was seeking clarification from Chapter 3, Section 301 of the South Florida Building Code. He explained to the members that prior Building Officials (including himself) have interpreted this section as meaning that any improvements, maintenance or repairs that exceed \$500.00 require a permit. He asked whether the Building Official has the authority to allow interior/exterior painting of a SRC, playground equipment, and roof gutters downspout and carpeting, all of which could exceed \$500.00 dollars.

Mr. Kurzman stated that the municipality would mandate the requirements on a case-by-case basis.

Mr. Azan, Building Official for the City of Miami Beach, informed the Board that he has been requiring a permit for everything over \$500.00 dollars, but if the Board were to make a ruling not requiring these types of permits, then he would abide.

After some discussion, Mr. Horton made clear that the \$500.00 only applies to those items that required a permit.

## **REPORTS**

Mr. Enrique Salvador requested whether the Certification Subcommittee could start at 12:30 instead of 11:30 A.M.

After some discussion, the members agreed to conduct the Certification Subcommittee at 12:30 prior to the Board of Rules and Appeals 1:00 P.M. meeting.

### **Certification of Inspectors/Plans Examiners for September**

Mr. Enrique Salvador reported on the recommendations of the Certification Subcommittee and presented the following individuals for Re-Certification and New Certification.

The following individuals are being recommended for **approval** for **New-Certification** for 2001.

#### **INSPECTOR:**

Auchet, Pedro  
Bender, Donald H.  
Bryntesen, Murray G.  
Copenhaver, Floyd C.

#### **REPRESENTING:**

Miami  
Hialeah Gardens  
Miami Beach  
Miami-Dade County

#### **DISCIPLINES:**

Building Insp. (Structural)  
Plans Examiner (Plumbing)  
Building Insp. (Structural)  
Roofing Insp. (Commercial)  
Roofing Insp. (Residential)  
Building Insp. (Structural)  
Plans Examiner (Electrical)  
Electrical Inspector  
Electrical Insp. (Residential)  
Building Insp. (Structural)  
Electrical Inspector  
Building Insp. (Structural)  
Plans Examiner (Building)  
Plans Examiner (Structural)  
Building Insp. (Structural)  
Building Insp. (Restricted)  
Building Insp. (Structural)  
Chief Building Inspector  
Plans Examiner (Plumbing)  
Plumbing Inspector  
Plans Examiner (Plumbing)  
Plumbing Inspector  
Building Insp. (Structural)  
Electrical Inspector  
Plans Examiner (Electrical)  
Plans Exam. Electrical (Res.)

Delgado de Oramas, Jose

Pinecrest

Dillashaw III, William E.  
Erdozain, Jack  
Figueredo, David  
Gonzalez, Dario

Miami-Dade County  
North Miami Beach  
Hialeah  
Miami Beach

Gonzalez, Jose R.  
Lage, Eugenio J.  
Naranjo, Ismael  
Navia, Jesus  
Palacios, Jose F.

Miami  
Miami-Dade County  
Miami-Dade County  
Sunny Isles Beach  
Surfside

Pinecrest

Perez, Nury E.  
Ratner, Thomas E.

Miami-Dade County  
Miami Beach



The following individuals are being recommended for **approval** for **New-Certification** for 2001 cont...

**INSPECTOR:**

Rodriguez, Alberto  
Villaseñor, Ian O.

**REPRESENTING:**

Miami  
Miami Beach

**DISCIPLINES:**

Plans Examiner (Mechanical)  
Building Insp. (Structural)

Mr. Kurzman made a motion to approve the above-listed for **New Certification**. Motion seconded by Mr. Johns.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

Mr. Jorge Gamoneda informed that Board that the following individuals were being recommended for **rejection** for **New Certification** for 2001.

**INSPECTOR:**

Arvesu, Eduardo

**REPRESENTING:**

Sweetwater

**DISCIPLINES:**

Building Insp. (Structural)

**(Renewal Notice must be received and the delinquency removed).**

Estabil, Mario A.

Miami Beach

Building Insp. (Structural)

**(In addition to satisfying the other minimum requirements contained in the SFBC, individuals applying for certification must hold a valid certificate issued by the State of Florida Department of Business & Professional Regulation Board of Building Code Administrators and Inspectors in the category and discipline he/she is seeking certification).**

Gonzalez, Eladio

North Miami

Building Insp. (Structural)

**(Applicant does not indicate state certification as Building Inspector. Applicant has not provided information regarding application for inspector license).**

Mr. Jorge Gamoneda explained that Mr. Eduardo Arvesu did not obtain his paperwork in a timely manner and now his GC license has expired and when he gets his paperwork together; they would give him a temporary license. He then informed the Board that Mr. Eladio Gonzalez has to apply for a provisional building inspector's license. Mr. Gamoneda also indicated that Mr. Mario Estabil does not meet the requirements and he did not attend the Certification Subcommittee meeting to provide any additional information.

Mr. Salvador then made a motion to deny the above-mentioned individuals New Certification based on the information received, until they submit the proper paperwork. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**INFORMATION**

**Ordinance #01-113, Establishing a Professional Certification Program with the Building Department**

**Ordinance #01-112, Substitute Ordinance Repealing the SFBC and Conforming Building Code Administrative and Enforcement Provisions to Requirements of the Florida Building Code**

Mr. Francisco Quintana, Secretary of Board of Rules and Appeals directed the Board to **Ordinance #01-113** (permit by affidavit) and informed them that this only applied to Unincorporated Miami-Dade County, not to the cities. He then explained that **Ordinance #01-112** (amending Chapter 8) Article II deals with enforcement personnel certification, education and continuing education, which are being resubmitted to the County Commission to maintain what is currently in place.

Mr. Utterback asked Mr. Quintana to expand on the Board's handling of product approval as of January 1<sup>st</sup>, 2002.

Mr. Quintana responded that in Chapter 8 the Building Code and Product Review Committee is being sunsetted as of January 1<sup>st</sup> and the Board of Rules and Appeals will handle product approval for Dade County. He further explained the Board would also be hearing appeals of any local amendment passed by the Commission.

**EMERGENCY AGENDA APPEAL**

At this time, Mr. Diaz announced that he was leaving for the day.

**TCO EXTENSION No. #1: City of Miami Beach, Bentley Bar, 510 Ocean Drive, SFBC, Chapter 49 SMACNA, Sheet Metal and Air Conditioning Contractors National Association**

Mr. Pierce made a motion to hear the appeal. Motion seconded by Mr. Johns.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

Mr. Juan Carlos Toca stated that he would like for the Board to allow the painted duct to remain in its present condition. Mr. Toca explained that they used a dry fall flat paint, which is non-flammable. He informed the Board of previous cases where they approved the use of the painted duct.

Mr. Philip Azan, Building Official for the City of Miami Beach, stated based on the requirements of the South Florida Building Code, Chapter 49 and SMACNA, which state “*products and materials shall be installed to comply with their listing requirement*”. He also reminded the members of previous cases where they granted a one-time approval and suggested that maybe the Board could make a general ruling for this issue.

Mr. Paul Raymond with the City of Miami Beach stated that he was not able to identify the UL or R rating, due to the covering of the duct.

Mr. Utterback stated that the manufacturer has to verify that the paint does not impact fire receptivity and they should provide this information to the Building Official.

Mr. Pete Quintela, Mechanical Code Compliance Specialist, enlightened the Board that UL has informed him that some materials used for paint may deteriorate the duct sooner than anticipated and with this in mind, he supports the intent of the Board.

Mr. Salvador then made a motion to deny the appeal and directed the appellant to provide the necessary documents to the Building Official. Motion seconded by Mr. Riley.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**BOARD DISCUSSION**

Mr. Salvador questioned why Mr. Rene Fraga, Interim Building Official for the City of Opa Locka, has not gone through the Certification Subcommittee to be certified.

Mr. Rene Fraga responded that an Interim Building Official is exempted in the code.

Mr. Salvador then questioned the time span of the Interim Building Official.

Mr. Fraga answered that there is no limit of time.

**Meeting adjourned at 3:50 p.m.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 10-18-01

**Attendance:** Richard Horton, VC      Jesus M. Gomez      Rolando Diaz      Moshe Weitz  
John Kurzman      Robert Barnes      Enrique Salvador      Justin Manuel  
Chief Virgil Fernandez      Carmen Garcia      Arnold Velazquez

**Excused:** Thomas Utterback, CH      Edward Woodard      William Riley      Steven L. Johns  
Gregory Pierce      Capt. William Strachan

**Staff Present:** Francisco J. Quintana, Secretary      Hugo Benitez, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick

**Commenced at 1:17 p.m.**

## Minutes of September 19<sup>th</sup>, 2001

Mr. Horton requested a motion to approve the minutes for the September 19<sup>th</sup>, 2001 meeting. Mr. Kurman then made a motion to approve the minutes of the last meeting. Motion seconded by Mr. Fernandez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Horton requested a motion of the Board to accept the Consent Agenda and Emergency Consent Agenda.

## CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. B99-03151, Brown**

**APPEAL #2: TCO EXTENSION, PERMIT No. B9901174, Laurie**

**APPEAL #3: TCO EXTENSION, PERMIT No. BL-00193, Clarke**

**APPEAL #4: TCO EXTENSION, PERMIT No. 20000-10088, Arteaga**

**APPEAL #5: TCO EXTENSION, PERMIT No. 1993278779, Garcia**

**APPEAL #6: TCO EXTENSION, PERMIT No. 1997066519, Maresma**

**APPEAL #7: TCC EXTENSION, PERMIT No. 96055847, Maresma**

**APPEAL #8: TCO EXTENSION, PERMIT No. 01-00814, Murphy**

**APPEAL #9: TCO EXTENSION, PERMIT No. 2000-073627, Snow**

**APPEAL #10: TCO EXTENSION, PERMIT No. 99-00000442, Tomei**

**APPEAL #11: TCO EXTENSION, PERMIT No. 9903966, Lazes**

Mr. Kurzman made a motion to accept the Consent Agenda. Mr. Fernandez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 27 Star Island Drive, Permit Extension, Permit #B9903582

Mr. Paul Gioia commented to the members that he has been renovating the structure for the past two years and informed them that the extension is needed, due to a delay in the final architectural designs and approvals.

Upon discussion, Mr. Fernandez made a motion to grant a second extension to the permit. Motion seconded by Mr. Barnes.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **REPORTS**

### **Certification of Inspectors/Plans Examiners for October**

Mr. Enrique Salvador reported on the recommendations of the Certification Subcommittee and presented the following individuals for Re-Certification and New Certification.

The following individuals are being recommended for **approval** for **New-Certification** for 2001.

| <b><u>INSPECTOR:</u></b>                                    | <b><u>REPRESENTING:</u></b>             | <b><u>DISCIPLINES:</u></b>  |
|---|---|---|
| Beilman, Mark E.<br>De Leon, Samuel<br>Gonzalez, Dario      | Miami<br>Miami Beach<br>Golden Beach    | Plans Examiner (Building)<br>Building Insp. (Structural)<br>Plans Examiner (Building)<br>Plans Examiner (Structural)<br>Building Insp. (Structural) |
| Rodriguez, Jesus R.<br>Rojas, Rafael M.<br>Vargas, Angel L. | Golden Beach<br>Miami Beach<br>Aventura | Building Official<br>Building Insp. (Structural)<br>Roofing Insp. (Commercial)<br>Roofing Insp. (Residential)                                       |

The following individual is being recommended for **De-Certification** for 2001.

| <b><u>INSPECTOR:</u></b>  | <b><u>REPRESENTING:</u></b> | <b><u>DISCIPLINES:</u></b> |
|---|-----------------------------|----------------------------|
| Perez, Oscar<br>(The South Florida Building Code, Section 201.5(a)(10) requires that you hold a valid State License under F.S. 468 for certification) | Hialeah                     | Electrical Inspector       |

Mr. Salvador made a motion to accept the above-mentioned for New Certification and to also add Mr. Oscar Perez to the list for Re-Certification, since he submitted the proper paperwork from the State. Mr. Diaz seconded motion.

#### **Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

### **DISCUSSION: City of Opa Locka**

Mr. Salvador informed the Board the Mr. Alfonso Cayetano is no longer employed with the City of Opa Locka and the Building Compliance Office are handling many of the City of Opa Locka's responsibilities with building code enforcement. He raised the issue on whether they should be receiving additional funding for their involvement.

Mr. Quintana commented that the Building Code Compliance Office was obligated to take over the responsibilities of the Building Official in the City of Opa Locka, it is just that they are there longer than was expected

Mr. Arnold Velazquez made a motion that a letter be sent to the City Manager of Opa Locka giving them 30 days to hire the appropriate personnel to recapture their functions from the Building Code Compliance Office.

Mr. Hugo Benitez, Asst. County Attorney advised the Board that he did not think they had the authority to direct the County Managers Office to cease staffing the City of Opa Locka.

Mr. Horton offered a friendly amendment to Mr. Velazquez's motion of maybe addressing the letter to the County Manager of their concerns.

Mr. Kurzman suggested to the members that they allow him to converse with the League of Cities to discuss the circumstances surrounding the City of Opa Locka. He stated that he would retrieve additional information and update the Board at the next scheduled meeting.

After some discussion, Mr. Velazquez made a motion that a written letter is sent to the County Manager's Office informing them of the situation with the City of Opa Locka and give them thirty- (30) days to hire the appropriate personnel. Motion seconded by Mr. Salvador.

#### **Motion carried. (Mr. Kurzman was opposed)**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

## **EMERGENCY CONSENT APPEAL**

### **TCO EXTENSION APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade County, U.S. Airways, Miami International Airport, Concourse "H", Permit #2001047202**

Mr. Robert Akula stated that the extension is needed to complete installation and final inspection of the fire alarm system. After some discussion, Mr. Weitz made a motion to grant a 90-day extension. Motion seconded by Mr. Diaz.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

### **APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of South Miami, Santamarina Residence, 6870 S.W. 77 Terrace, Section 104.3 of the SFBC, Repairs and Alterations**

Mr. Eusebio Mora stated that it would be impossible for him to comply with the 50% rule as specified in the South Florida Building Code. He commented that the existing residence under consideration consists of 1084 sq. ft of air-conditioned area, with an existing carport and covered entrance with 319 sq. ft of area, giving a total of 1403 sq. ft. He further added that the existing carport and covered entry will be enclosed, and therefore believes that this project falls between the 25% and 50% ruling.

After some discussion, Mr. Weitz made a motion to grant the appeal, due to the fact that this falls between the 25 to 50% rule. Motion seconded by Mr. Velazquez.

**Motion carried. (Mr. Diaz was opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

### **APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 1530 W. 27 Street, Section 2312.3(b) of the SFBC, Requirements for Coastal Building Zone**

Mr. Philip Azan informed the members that the appellant has resulted to defer the appeal until further notice. He explained that they might possibly be able to resolve this issue.

## **HISTORICAL EXCEPTION:**

### **APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Brown's Hotel, 112 Ocean Drive, Section 104.10 of the South Florida Building Code**

Mr. Allan Shulman, AIA, informed the Board that the Brown's Hotel is the oldest hotel on Miami Beach that was built in 1915. He explained that it is the only remaining example of wood frame construction in a hotel structure. He proposed to the members that they be allowed to install plywood and a plaster finish at the interior of the wall section of which, they believe that the resistance of the clapboard exterior finish would provide to an impact missile would be more than equivalent to the resistance offered by the stucco finish of the standard accepted wall construction.

Mr. Muhammad Partovi, City of Miami Beach, stated that pursuant to section 2315 of the South Florida Building Code, the exterior wall system shall comply with the current code for impact requirements.

After some discussion, Mr. Weitz made a motion to grant the appeal and accept the equal alternate proposed by the appellant. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

## **ANNOUNCEMENTS**

Mr. Quintana brought to the attention of the members scheduled training sections for the new code and encouraged all of them to attend these seminars on November 14<sup>th</sup> and December 5<sup>th</sup>. He informed the Board that the December 5<sup>th</sup> class would account for four (4) hours of continuing education.

## **INFORMATION**

Mr. Velazquez took the opportunity to recognize Mr. Virgil Fernandez for his hand in the search and rescue efforts of the World Trade Center in New York City.

Mr. Fernandez thanked everyone for their support and stated that maybe one day they can talk about what he witnessed at the World Trade Center.

The members as a whole congratulated Mr. Fernandez for his efforts in New York.

### **BOARD DISCUSSION**

Mr. Arnold Velazquez inquired about the amendment to Chapter 8 of the new Florida Building Code. He urged that the County Manager address this issue promptly. He stressed the importance of replacing the administrative chapter back into the code before January 1<sup>st</sup>, 2002. Motion seconded by Mr. Fernandez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**Meeting adjourned at 1:55 p.m.**

# MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 11-15-01

**Attendance:** Thomas Utterback, CH Jesus M. Gomez Rolando Diaz Moshe Weitz  
John Kurzman Robert Barnes Carmen Garcia Arnold Velazquez  
Steven L. Johns

**Excused:** Richard Horton, VC Edward Woodard William Riley Gregory Pierce  
Capt. William Strachan Enrique Salvador Chief Virgil Fernandez Justin Manuel

**Staff Present:** Francisco J. Quintana, Secretary Hugo Benitez, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick

**Commenced at 1:30 p.m.**

## Minutes of October 17<sup>th</sup>, 2001

Mr. Utterback requested a motion to approve the minutes for the September 19<sup>th</sup>, 2001 meeting. Mr. Kurman then made a motion to approve the minutes of the last meeting. Motion seconded by Mr. Fernandez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback requested a motion of the Board to accept the Consent Agenda and Emergency Consent Agenda.

### CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. Bc001050, Dorta-Duque,**

**APPEAL #2: TCO EXTENSION, PERMIT No. 1999042797, Bergeron**

**APPEAL #3: TCO EXTENSION, PERMIT No. B9701059, Reddick**

### EMERGENCY CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. B00-5017634, Telesco**

**APPEAL #2: TCO EXTENSION, PERMIT No. 99-5009190, Viquez**

**APPEAL #3: TCO EXTENSION, PERMIT No. 99-5016428, Reinstein**

**APPEAL #4: TCO EXTENSION, PERMIT No. 99-5009986, Olivera**

**APPEAL #5: TCO EXTENSION, PERMIT No. 00-5011296, Lynch**

Mr. Barnes made a motion to accept the Consent Agenda. Mr. Gomez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**APPEAL #6: TCO EXTENSION, PERMIT No. 2000-073627, Snow**

Mr. Diaz enlightened the Board in regards to Consent Agenda Item No. 6 on the agenda. He explained that he was the engineer for the bank on this appeal and needed to rescue himself from taking part in the vote.

Due to the fact that Mr. Diaz needed to rescue himself, this left the Board without quorum to hear or vote on this item and Mr. Rodriguez was told that his case would have to be presented at the December BORA meeting.

### **APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 1900 Sunset Harbour, Sunset Harbour North Tower, Section 104.3 (b) of the SFBC, Permit #B8800095**

This case was deferred at the request of Robert Fine, attorney for the project. He explained that the engineer was unable to attend the hearing due to a family emergency and would like for this appeal to be added to the December Agenda.

**APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 1244 Ocean Drive, Leslie Hotel, Expired Permit, Permit #BS931290**

Mrs. Lucia Dougherty informed the members that she represented the owner of the hotel and in 1993 they received their building permit, but no final inspection was made. She requested reinstatement of the permit or have it waived on the basis of the structures historic nature.

Mr. Philip Azan, Building Official for the City of Miami Beach stated that he had no objection to the permit being reinstated for the purpose of closing.

After some discussion, Mr. Velazquez made a motion to approve the appeal based on the structures historic nature. Motion seconded by Mr. Weitz.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**REPORTS**

**Blue and Green Diamond Condominiums**

Mrs. Lucia Dougherty presented the report on behalf of the developers

Mrs. Estelle Lynchman asked for a copy of the progress report to verify the contents.

Mr. Manny Gonzalez inquired about the TCO extension process and how many can be given.

Mr. Utterback remarked that there is no limit to TCO extensions, but they do monitor the progress of extreme concerns.

Mr. Richard McConahie for the City of Miami Beach informed the Board that they have not issued any additional extensions for this project.

**Certification of Inspectors/Plans Examiners for November**

Mr. Arnold Velazquez reported on the recommendations of the Certification Subcommittee and presented the following individuals for Re-Certification and New Certification.

The following individuals are being recommended for **approval** for **New-Certification** for 2001.

**INSPECTOR:**

Gandarillas, Fernando

Palacio, Eliezer

**REPRESENTING:**

Hialeah

Hialeah

**DISCIPLINES:**

Plans Examiner (Building)

Building Insp. (Structural)

Roofing Insp. (Commercial)

The following individuals are being recommended for **rejection** for **New Certification** for 2001.

**INSPECTOR:**

Palacio, Eliezer

**REPRESENTING:**

Hialeah

**DISCIPLINES:**

Plans Examiner (Building)

**(Must comply with the South Florida Building Code requirement of Section 201.2(a)(3)(cc) – Required 5 years experience under the jurisdiction of the Code) (Must comply with Florida Statute 468 Part XII.)**

Regula, Ronald

Miami-Dade County

Plans Examiner (Mechanical)

**(Applicant is lacking the required years of experience under the Masters License (Mechanical))**

Valido, Jorge

Miami-Dade County

Plans Examiner (Mechanical)

**(Applicant is lacking the required years of experience under the Masters License (Mechanical))**



**Discussion: Arnold Velazquez – Mechanical Inspector (Substitute)**

Mr. Velazquez informed the Board that

Mr. Diaz commented that

Mr. Hugo Benitez, Asst. County Manager

Mr. Salvador made a motion to accept the above-mentioned for New Certification and to also add Mr. Oscar Perez to the list for Re-Certification, since he submitted the proper paperwork from the State. Mr. Diaz seconded motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**EMERGENCY CONSENT APPEAL**

**TCO EXTENSION APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: Unincorporated Miami-Dade County, U.S. Airways, Miami International Airport, Concourse "H", Permit #2001047202**

Mr. Robert Akula stated that the extension is needed to complete installation and final inspection of the fire alarm system. After some discussion, Mr. Weitz made a motion to grant a 90-day extension. Motion seconded by Mr. Diaz.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of South Miami, Santamarina Residence, 6870 S.W. 77 Terrace, Section 104.3 of the SFBC, Repairs and Alterations**

Mr. Eusebio Mora stated that it would be impossible for him to comply with the 50% rule as specified in the South Florida Building Code. He commented that the existing residence under consideration consists of 1084 sq. ft of air-conditioned area, with an existing carport and covered entrance with 319 sq. ft of area, giving a total of 1403 sq. ft. He further added that the existing carport and covered entry will be enclosed, and therefore believes that this project falls between the 25% and 50% ruling.

After some discussion, Mr. Weitz made a motion to grant the appeal, due to the fact that this falls between the 25 to 50% rule. Motion seconded by Mr. Velazquez.

**Motion carried. (Mr. Diaz was opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 1530 W. 27 Street, Section 2312.3(b) of the SFBC, Requirements for Coastal Building Zone**

Mr. Philip Azan informed the members that the appellant has resulted to defer the appeal until further notice. He explained that they might possibly be able to resolve this issue.

**Meeting adjourned at 1:55 p.m.**

## MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 12-13-01

**Attendance:** Thomas Utterback, CH Richard Horton, VC Jesus M. Gomez Rolando Diaz  
Moshe Weitz John Kurzman Robert Barnes Arnold Velazquez  
Steven L. Johns Enrique Salvador Chief Virgil Fernandez Capt. William Strachan

**Excused:** Edward Woodard William Riley Gregory Pierce Carmen Garcia  
Justin Manuel

**Staff Present:** Francisco J. Quintana, Secretary Hugo Benitez, Asst. County Attorney (not present)  
Yvonne Bell, Recording Secretary

**Court Reporter:** Isabel Seralnick

**Commenced at 1:25 p.m.**

### Minutes of November 15<sup>th</sup>, 2001

Mr. Utterback requested a motion to approve the minutes for the November 15<sup>th</sup>, 2001 meeting. Mr. Diaz then made a motion to approve the minutes of the last meeting. Motion seconded by Mr. Salvador.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

At this time, the Board presented Chief Virgil Fernandez with a plaque of appreciation for his efforts in the New York World Trade Center disaster area.

Mr. Utterback then requested a motion of the Board to accept the Consent Agenda and Emergency Consent Agenda.

### CONSENT AGENDA

**APPEAL #1: TCO EXTENSION, PERMIT No. 99090011, Rodriguez, Rivera**

**APPEAL #2: TCO EXTENSION, PERMIT No. 980237, Proctor**

**APPEAL #3: TCO EXTENSION, PERMIT No. BC01107, McCabe**

**APPEAL #4: TCO EXTENSION, PERMIT No. 0101149, Misotti**

**APPEAL #5: TCC EXTENSION, PERMIT No. 94020613, Pasantes**

**APPEAL #6: TCO EXTENSION, PERMIT No. 00-00000380, Nestor**

**APPEAL #7: TCO EXTENSION, PERMIT No. B9700865, Bloomberg**

**APPEAL #8: TCO EXTENSION, PERMIT No. 9800428 & 9800785, Rios**

Mr. Kurzman made a motion to accept the Consent Agenda. Mr. Diaz seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

### **APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 1900 Sunset Harbour, Sunset Harbour North Tower, Section 104.3 (b) of the SFBC, Permit #B8800095**

Mr. Robert Fine informed the Board that this building was being constructed under a master building permit that is subject to the requirements of the 1988 South Florida Building Code and during this time it was discovered that some of the balconies edges reinforcement was missing. Mr. Fine proposed that the Board grant the appeal and instruct the Building Official to revise the permit to incorporate the Mitsubishi system, as revised by Mr. Atkins utilizing the 1988 Code or direct Miami Beach to let them pull a subsidiary permit to the master building permit for the repair or correction of those balconies that should meet the applicable code standards for the master permit.

Mr. Philip Azan, Building Official for the City of Miami Beach stated that he had no objection to the new permits being pulled or the revisions being approved under the code that was in effect at the time the original permit was issued. Mr. Azan remarked that however, he does have a problem with the new technique being proposed, since it was tested under the current 1994 Code.

He stated that they would like to replace a No. 5 rod with a carbon fiber rod, which has not been tested and should be tested under the current codes of today.

Mr. Muhamad Partovi, City of Miami Beach, stated that what was proposed to them was a new methodology that is totally different than what was permitted under the 1988 code, and the South Florida Building Code is clear regarding this issue.

Mr. Lance Atkins addressed the Board and stated that he stands behind this design and will sign and seal the permitted documents for construction and repair to the balconies.

Mr. Pistorino remarked that the Building Official has the right to make a conservative decision in cases like this. He added that they are relying upon the Mitsubishi manufacturer for this design to last and the issue is which code applies for this life safety.

Mr. Virgil Fernandez commented that if the building would have been built correctly the first time this all could have been avoided and he personally always looks to the new code for guidance when rendering decisions.

Upon much discussion, Mr. Weitz made a motion to deny the appeal on the basis that Section 104.3 of the South Florida Building Code, which limits changing the material, and if so, then you must utilize the new code. Motion seconded by Mr. Salvador.

**Motion carried. (Mr. Diaz and Mr. Velazquez were opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of South Miami, 6020 S.W. 86 Street, Expired Permit, Sec. 304.3(a) of the South Florida Building Code**

Mr. Roberto Junco stated that the permit needed to be reinstated in order to close the permit, where a final inspection was never performed.

Mr. Philip Azan, Building Official for the City of Miami Beach stated that he had no objection to the permit being reinstated for the purpose of closing.

After some discussion, Mr. Weitz made to grant the appeal. Motion seconded by Mr. Fernandez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**TCO APPEAL: Blue and Green Diamond Condominiums, 4775 Collins Avenue**

Mr. Kurzman made a motion to hear the appeal. Motion seconded by Mr. Horton.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

Mr. Robert Fine informed the Board that the TCO extension is needed to complete work that is still pending, and essentially the Board ordered that a progress report be submitted, which Lucia Dougherty handed over to the Board a month ago.

Mrs. Alicia Casanova commented that she is on the Board of the Blue and Diamond Condominiums and informed the members that she is confident about the improvements made and the homeowners' would just like for the building to be completed.

Mr. Manuel Gonzalez stated that there are a lot of homeowners' upset and unhappy with the repairs at the Blue and Green Condominiums. He requested that the Board take in consideration the life safety issues.

After some discussion, Mr. Kurzman made a motion to grant the appeal. Motion seconded by Mr. Salvador.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**REPORTS**

**Certification of Inspectors/Plans Examiners for December**

Mr. Enrique Salvador reported on the recommendations of the Certification Subcommittee and presented the following individuals for Re-Certification and New Certification.

The following individuals are being recommended for **approval** for **New-Certification** for 2001.

| <b><u>INSPECTOR:</u></b> | <b><u>REPRESENTING:</u></b> | <b><u>DISCIPLINES:</u></b>  |
|--------------------------|-----------------------------|---|
| Apte, Lina M.            | City of Miami               | Plans Examiner (Electrical)   |
| Auchet, Pedro            | City of Miami               | Building Insp. (Structural)   |
| Murphy, Dennis J.        | Miami Beach                 | Building Insp. (Structural)   |
| Tarafa, Rene F.          | South Miami                 | Plans Examiner (Building)<br>Building Insp. (Structural)<br>Roofing Insp. (Commercial)<br>Roofing Insp. (Residential) |
| Vargas, Angel L.         | City of Miami               | Roofing Insp. (Commercial)<br>Roofing Insp. (Residential)   |

Mr. Salvador then made a motion to grant the above-mentioned **New Certification**. Motion seconded by Mr. Kurzman.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

Mr. Jorge Gamoneda informed the Board that Mr. Richard Annese has failed to demonstrate that he has a General License and at the next Certification meeting he will be placed on the **De-Certification** list.

#### **Francisco Quintana - Roofing Contractor Scope of Work**

Mr. Michael Goolsby stated that a clarification in regards to scope of work regarding heater vent flues or vent stacks was sent to the Construction Trades Qualifying Board to decide whether or not this fell under the scope of work of a roofing contractor. Mr. Goolsby informed the Board the "A" Division decided that the removal and reinstallation of the flue pipes or vent stacks for water heaters or boilers is not considered incidental work by a roofing contractor, which created some uncertainty, since in this apparatus there is a flashing component that is incorporated into the roof system. Furthermore, he added that the Construction Trades Qualifying Boards "A" and "B" Divisions decided that the flue pipes were not in the scope of work of the roofing contractor, but the flashing is, which has progressed from a scope of work issue to a permit issue.

After much discussion, Mr. Velazquez made a motion to send the item to Subcommittee for review. Motion seconded by Mr. Kurzman.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

#### **EMERGENCY APPEAL**

##### **APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 1330 Collins Avenue, Sec. 304.3(a) of the South Florida Building Code, Expired Permit**

Mr. Hubert Herrero explained to the Board that the nature of emergency is that there's a prospective buyer for this property and the permit needed to be closed for this reason.

A motion to hear the appeal was granted by Mr. Weitz. Mr. Diaz seconded the motion.

**Motion carried. (Mr. Kurzman, Mr. Johns and Mr. Salvador were opposed.)**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

Mr. Gomez then made a motion to grant the appeal based on staff's recommendation. Mr. Barnes seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

##### **APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, Segovia Towers Condominium, 600 Coral Way, Sec. 203.4(b) and 203.5(a) (1) of the South Florida Building Code, Fair Housing Accessibility Requirements**

Mrs. Lucia Dougherty stated to the members that the emergency was that they would like to close the remaining five units that the buyers have had contracts for and have done improvements for four years.

Mr. Kurzman then made a motion to hear the appeal. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

Mrs. Lucia Dougherty commented that they have agreed to bring the entire building to the Florida Fair Housing Act as well as the Florida Accessibility Code except for the five units, which they would like to obtain TCO's, based on the fact that they were under the 1988 code, which does not require them to get a TCO based on accessibility. She added that the unit owners' are prepared to close and are willing to do the after the fact permits.

Mr. Manuel Lopez, Building Official for the City of Coral Gables stated that since the work was done without a permit this has created a difficult problem.

Mr. Ralph Gonzalez-Jacobo commented that they have spent more than ten million dollars to repair this structure.

Mr. Rene Fraga remarked that this law was in effect in 1993 and this is a matter of interpretation and the fact that the units were sold prior to completion does not exempt them from complying with accessibility. He further added that he disagrees with what is proposed.

Chief Virgil Fernandez commented that at one time this should have been a Fair Housing Act and suggested to table this appeal to obtain a legal opinion, because he does not feel comfortable granting the unit owners the means to handle this issue.

Mrs. Lucia Dougherty stated that the units will never comply and to comply with Fair Housing would cost them over \$300,000.

Mr. Manuel Lopez stated that they needed to comply with the 1988 Accessibility Code and he will not grant anything until he is satisfied.

After much discussion, Mr. Kurzman made a motion to grant the appeal and allow the Building Official to issue a TCO on the five buyer modified units subject to the provisions provided to the Board and that the units meet all of the 1988 Accessibility requirements. Motion seconded by Mr. Gomez.

**Motion carried. (Mr. Fernandez was opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**APPEAL #3: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Coral Gables, One Aragon, 55 Miracle Mile, Sec. 0506.2 of the South Florida Building Code**

Mr. Carter McDowell explained to the Board that the nature of the emergency is that there is a real estate transaction that needed to take place by January 7<sup>th</sup> that is part of an assemblage.

A motion was then made by Mr. Johns to hear the appeal and seconded by Mr. Diaz.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

Mr. Carter McDowell proceeded to explain that the issue is whether the Building Official will allow them to have windows on the eastern wall that faces the entrance to Miracle Mile. He informed the members that there is an agreement that runs with the land between the developer of the project and the owner of the building,

Mr. Manuel Lopez, Building Official for the City of Coral Gables argued that there are actually two buildings and he objected due to the fact that there are two owners and different people on one property own this building.

After some discussion, Mr. Johns made a motion to grant the appeal. Motion seconded by Mr. Velazquez.

**Motion carried. (Mr. Diaz and Mr. Weitz were opposed).**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

At this time, Mr. Johns left the meeting at 4:25 P.M.

**APPEAL #4: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Setai Resort and Residences, 2009 Collins Avenue, Sec. 0302.2(e) 7 of the South Florida Building Code**

Mr. Daniel Koffsky stated to the members that they are building a 39-story tower on 20<sup>th</sup> and Collins Avenue called the Setai Resort. He suggested that maybe they can submit the shoring drawings for the firsts ten levels of the building in packages to the Building Official to include all the shoring and reshoring to the City.

After some discussion, Mr. Horton made a motion to grant the appeal based on staff's recommendation. Motion seconded by Mr. Kurzman.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**APPEAL #5: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, Normandy Park and Pool Project, 1765 71 Street, Sec. 304.3 of the South Florida Building Code, Expired Permit**

Mr. Michel Magloire stated that he is requesting the reinstatement of the permit for Normandy Park and Pool Project that was issued in October of 2000. He remarked that the permit expired and the City administration is about to send the issue before the Commission for action and he is before the Board seeking some relief on this issue.

Upon some discussion, Mr. Gomez made a motion to grant the appeal and reinstate the permit. Motion seconded by Mr. Kurzman.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript).*

**INFORMATION**

Mr. Quintana reminded the members of the change in date for the Florida Building Code Seminar that was originally scheduled for December 5<sup>th</sup>. He informed the members that the seminar was four hours for the mandatory requirement for recertification or renewal of licenses.

Mr. Utterback acknowledged the Board of Rules and Appeals meeting dates for 2002.

**Meeting adjourned.**